

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

June 19, 2006

CALL TO PODIUM:

Patricia Patula, Planner

RESPONSIBLE STAFF:

Patricia Patula, Planner
Jacqueline Marsh, Planner

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
x	Historic District Commission
	Consent Item
	Ordinance
	Resolution
x	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:**HISTORIC DISTRICT COMMISSION****Policy Discussion**

HAWP-99 Applicant: Vladimir Gomez, 10 Brookes Avenue,
Request for Demolition of Garage

SUPPORTING BACKGROUND:

Preliminary Consultation. On April 6, 2006, the HPAC held a preliminary consultation on the proposal to make changes to the designated historic site at 10 Brookes Avenue, which is in the Brookes, Russell, Walker Historic District. The modifications were being contemplated to change this R-B zoned property from residential to office use. The contract purchaser, Al Riley, presented a drawing showing a proposed parking area in the rear for seven spaces which would be required for this different use. Mr. Mumpower, traffic engineer for the City, had reviewed the drawing and determined that there was not enough turning radius for a two-way drive aisle between the garage and house, and also noted sight distance problems. Mr. Riley viewed the removal of the garage as the solution. At that point in time, detailed information on the garage was not available. The HPAC requested validation of the age and historicity of the garage and agreed to a site visit to further evaluate the historic structure. See minutes of April 2, 2006.

Site Visit. On May 2, HPAC members Coratola, Arkin, Drzyzgula, and staff liaison Patula met at the site with Paul Katrivanos (representing Mr. Gomez) and Mr. Riley. Staff members Dennison and Lee, and HPAC member Bernstein (and Johnson prior to the continuation of the hearing) separately visited the site.

Accessory Structure. A detailed description of this unique and original building, which is of high-level construction, materials and design coordinating with the main structure, is Exhibit 25. The study of Sanborn maps and visual inspection of the garage place the age of the accessory structure to be early 1930s.

Continued

Attachments

Index of Memoranda and full record

DESIRED OUTCOME:

Provide staff guidance.

Public Hearing. The HPAC held the public hearing of HAWP-99 on May 4, 2006, at which time Mr. Gomez, property owner, requested the demolition of the garage. **The application did not include any other changes to the site.** Members of the public, including Peggy Murray (4 Walker), Robert Stalker (11 Brookes), Warren Johnson (104 Chestnut [not an HPAC member at this time]), and Judith Christensen (6 Walker), gave testimony to keep the garage. Due to HPAC's request that the contract purchaser be given more time to further explore options to demolition, Mr. Gomez agreed to a time extension and continuation of the public hearing in June.

Continued Hearing. On June 1, the hearing was continued, but the applicant and no representatives of the contract purchaser were present. Due to the time deadline agreed upon, the HPAC felt compelled to proceed. Staff presented some additional exhibits (see transcript). Again, members of the public including Elizabeth Johnson (104 Chestnut Street), Ed Richley (14 Walker), Mary Jo LaFrance (105 Chestnut), and Peggy Murray (4 Walker) testified in support of retaining the garage and denial of this work permit.

After discussion, the HPAC voted unanimously to recommend denial of HAWP-99 based on the following findings: The demolition of this historically designated accessory structure is not in compliance with

Secretary of Interior Standard One which states "a property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment." The removal of the garage to allow for a parking lot is a major change to the defining characteristics of this site and environment; and

Secretary of Interior Standard Two, which states "the historic character of property shall be retained and preserved. Removal of historic material or alteration of features and spaces that characterize a property shall be avoided." Removal of the garage violates the historic character and involves removal of a substantial amount of materials and a primary feature of the site; and

Secretary of Interior Standard Five, which states "Distinctive features, finishes, and construction techniques or example of craftsmanship that characterize a historic property shall be preserved." This garage is quite distinctive in its high level of finish and construction. It is finely crafted.

Additional Recommendation:

The HPAC further recommends that, if the applicant is desirous of continuing to develop this site, that he continue to work with the City to develop economic and viable alternatives to the demolition of the accessory structure.

Process. The HDC can accept HPACs recommendation and, based on that record, can deny the request to demolish the garage. Since the request applies only to the garage, a denial does not preclude the applicant from further consideration of options prior to presenting another historic area work permit for a parking area and other exterior changes that may be required for a change of use. The HDC can also hold its own public hearing on the matter.

HPAC Public Hearing – May 4, 2006
Continued June 1, 2006
HDC Policy Discussion – June 19, 2006

**INDEX OF MEMORANDA
HAWP-99**

**Applicant: Vladimir Gomez
10 Brookes Avenue
Demolition of rear garage**

Number	Exhibit
1.	Application
2.	House location plat
3.	Real Property Data Search from Maryland Department of Assessments and Taxation for 10 Brookes Avenue
4.	Photographs of house and rear garage at 10 Brookes Avenue
5.	Aerial photograph of 10 Brookes Avenue - existing conditions (2004)
6.	Aerial photograph of 10 Brookes Avenue -- circa 1980
7.	Portion of site plan S-751 (A) , 8 Brookes Avenue, showing rear garage at 10 Brookes Avenue, dated 1984
8.	E-mails from Cathy Drzyzgula, dated April 7, 2006
9.	E-mail from Jacqueline Marsh, dated April 7, 2006
10.	E-mail from Ollie Mumpower, dated April 21, 2006
11.	1930 Sanborn Map
12.	Preliminary plan for 10 Brookes Avenue, presented at April 2006, HPAC meeting
13.	Notice to include legal ad for public hearing in the April 26, 2006, <i>Gaithersburg Gazette</i>
14.	Public hearing notice, sent out April 24, 2006, to the required parties
15.	By Reference: Brookes, Russell, Walker Historic District Guidelines
16.	By Reference: Annotated Code of Maryland, Article 66B, Historic Resources

17. By Reference: Secretary of Interior Standards for Rehabilitation
18. By Reference: HD-14 Designation Documents
19. By Reference: Qualifications of HPAC, HDC, and staff
20. By Reference: Historic Preservation Ordinance
21. Transcript of Public Hearing for HAWP-99
22. HPAC minutes (DRAFT), from May 4, 2006
23. E-mail from Ollie Mumpower, with attachment, dated May 18, 2006
24. E-mail from Ollie Mumpower, dated May 19, 2006
25. Report on garage at 10 Brookes Avenue, dated May 25, 2006, written by Joe Coratola, HPAC member
26. Minutes of HPAC meeting April 2, 2006
27. Transcript of Continued Public Hearing June 2, 2006
28. Resume of Judith Christensen (expert witness at hearing); put in at request of HPAC

HISTORIC AREA WORK PERMIT APPLICATION

In accordance with Chapter 24, Article XII of the City Code.

Application Number	HAWP-99
Date Filed	4/19/06
Application Completed	4.21.06
HPAC Hearing/Review	5.4.06 - 6/1/06
HDC Hearing/Review	
Decision	
Date of Decision	

SUBJECT PROPERTY (ADDRESS) 10 Brookes Av. Gaithersburg
LOT 5 BLOCK 4 SUBDIVISION Russell & Brookes Addition
TAX ACCOUNT NUMBER _____

APPLICANT/OWNER/AUTHORIZED AGENT

NAME Vladimir Gomez TELEPHONE 301-3308691
ADDRESS 10 Brookes Av. Gaithersburg

OWNER OF RECORD (IF NOT APPLICANT)

NAME _____ TELEPHONE _____
ADDRESS _____

TYPE OF WORK (CHECK APPROPRIATE)

- | | | | |
|---|---|--|---|
| <input checked="" type="checkbox"/> Visible from public way | | | |
| <input type="checkbox"/> Not visible from public way | | | |
| <input type="checkbox"/> Fence | <input type="checkbox"/> Windows | <input type="checkbox"/> Additions | <input type="checkbox"/> New Construction |
| <input type="checkbox"/> Signage | <input type="checkbox"/> Siding | <input type="checkbox"/> Relocation | <input type="checkbox"/> In-kind Replacement |
| <input type="checkbox"/> Parking | <input type="checkbox"/> Roofing | <input type="checkbox"/> Restoration | <input type="checkbox"/> Utilities (meters, cables, etc.) |
| <input type="checkbox"/> Landscape | <input type="checkbox"/> Accessory Building | <input checked="" type="checkbox"/> Demolition | <input type="checkbox"/> Miscellaneous |

DESCRIPTION OF PROPOSED WORK Detached Garage demolition

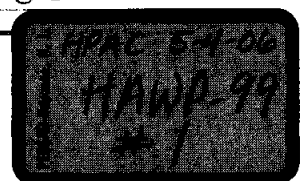
SUBMISSION REQUIREMENTS (SEE OTHER SIDE)

I hereby have read, understand, and agree to the material presented on both sides of this form, and the attached Historic Area Work Permit Information.

Signature

Vladimir Gomez

Date

4-13-06

SUBMISSION REQUIREMENTS

1. **Site plan** (1 copy regular size 24" x 36" or larger, and 1 copy at 8 1/2" x 11") showing:
 - A. Lot dimensions.
 - B. Building(s) location and dimensions.
 - C. Driveways, walks, fences, patios, accessory buildings, planting areas, free standing signs (if any), existing and proposed.
 - D. North arrow, date, and scale.
 - E. If landscape plan, show placement, number, types, species, height/spread at installation and at maturity; spacing of all plantings must be shown.
2. **Architectural drawings**, showing labeled sections and elevations, north arrow, scale and date.
3. **Original photographs** of area affected (all views visible from the public way).
4. **Samples**, showing composition, color and texture of materials to be used.

ACCEPTANCE OF APPLICATION

The material listed above is required to constitute a **complete** application. Applications will be formally accepted for processing only after staff has reviewed for **completeness**. Applicants will be contacted if additional information is needed.

- House Location Plat - to show existing
- Drawings for the new garage.
 - Show location on house location plat
 - Elevations
 - Materials
- Determine age of garage
- Photographs

NOTES:

1. This plat is not intended for use in the establishment of property lines, but prepared for the exclusive use of the present property owner(s) of record and/or those who purchase, mortgage or guarantee the title within six months from the date hereof and as to them I warrant this house location survey.
2. For title purposes only.
3. No title report furnished at this time, subject to all easements and rights of ways of record.
4. Property corners have not been set with this survey. Property information was taken from the best available records.
5. This location plat is not to be used for the construction of fences or other improvements. A boundary survey and lot stakeout would have to be performed to determine the location of all property lines as shown.
6. The Property shown hereon is located within Zone C as shown on F.E.M.A. Flood Insurance Rate Map Community Panel No. 220049 0125 C of Montgomery County, Maryland.



Drawn By _____
Checked By _____
Date _____ 08
Scale: 1" = _____
Job No. H-0 _____
Case No. _____

HOUSE LOCATION SURVEY

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation
MONTGOMERY COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

STR

Account Identifier: District - 09 Account Number - 00843808

Owner Information

Owner Name: GOMEZ, VALDIMIR & INTI Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 10 BROOKES AVE Deed Reference: 1) /25889/ 608
GAITHERSBURG MD 20877-2717 2)

Location & Structure Information

Premises Address
10 BROOKES AVE
GAITHERSBURG 20877-2717

Legal Description
R & B ADD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	46
FT52				215		4	5	3	Plat Ref:	
Special Tax Areas				Town	GAITHERSBURG					
				Ad Valorem						
				Tax Class	49					
Primary Structure Built				Enclosed Area		Property Land Area			County Use	
1920				2,086 SF		15,300.00 SF			111	
Stories		Basement		Type				Exterior		
2		YES		STANDARD UNIT				FRAME		

Value Information

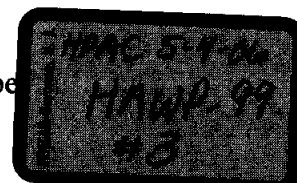
	Base Value	Value As Of 01/01/2003	Phase-in Assessments	
			As Of 07/01/2005	As Of 07/01/2006
Land:	87,300	87,300		
Improvements:	212,710	212,710		
Total:	300,010	300,010	300,010	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: PARKER, CRAIG A & A B	Date: 11/13/2003	Price: \$385,000
Type: IMPROVED ARMS-LENGTH	Deed1: /25889/ 608	Deed2:
Seller: MARY L & K E YOUNKIN JR	Date: 03/17/1999	Price: \$262,500
Type: IMPROVED ARMS-LENGTH	Deed1: /16889/ 190	Deed2:
Seller:	Date: 02/07/1983	Price: \$0
Type: IMPROVED ARMS-LENGTH	Deed1: / 6009/ 188	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0



Garage at 10 Brookes Ave



Front



Rear

Garage at 10 Brookles Ave.



side elevation

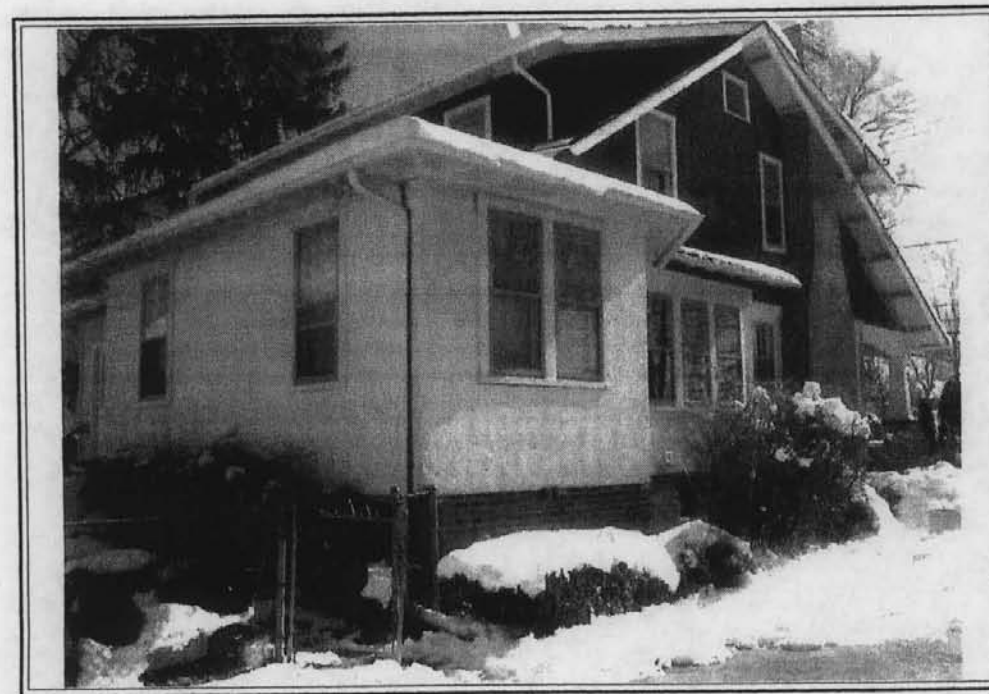
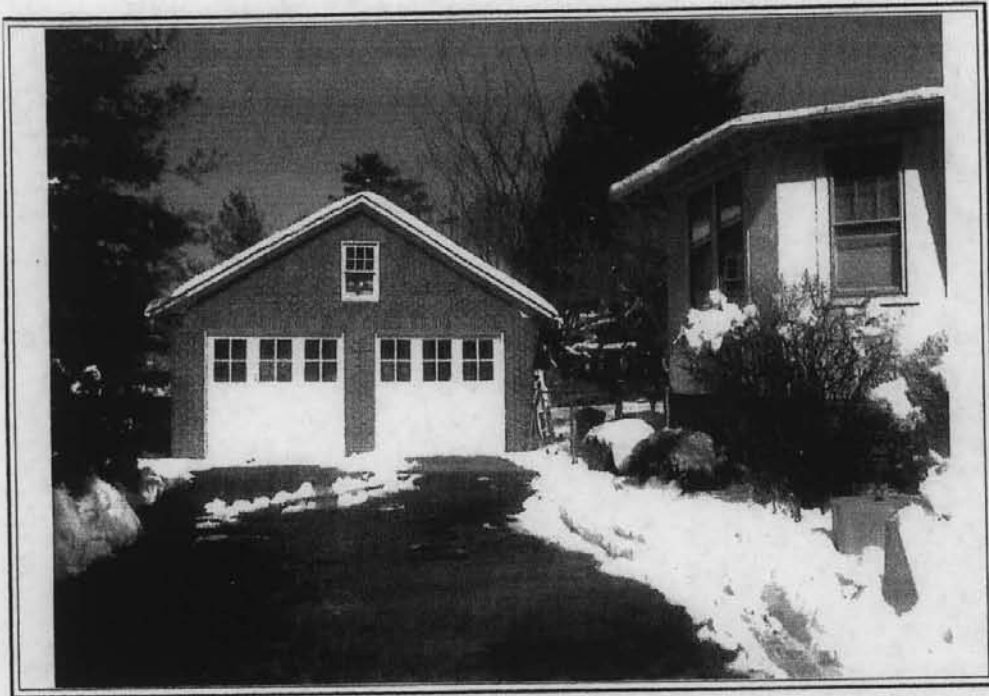
SUBJECT PROPERTY PHOTO ADDENDUM

File No. brooke street



SUBJECT PROPERTY PHOTO ADDENDUM

File No. brooke street





HPAC 5-4-06
HAWP-99
#5

CLOSED
SECOND AVENUE
SECTION

Brookes

GRACE
CHURCH

HPAC 5-406
HAWP-99
#6

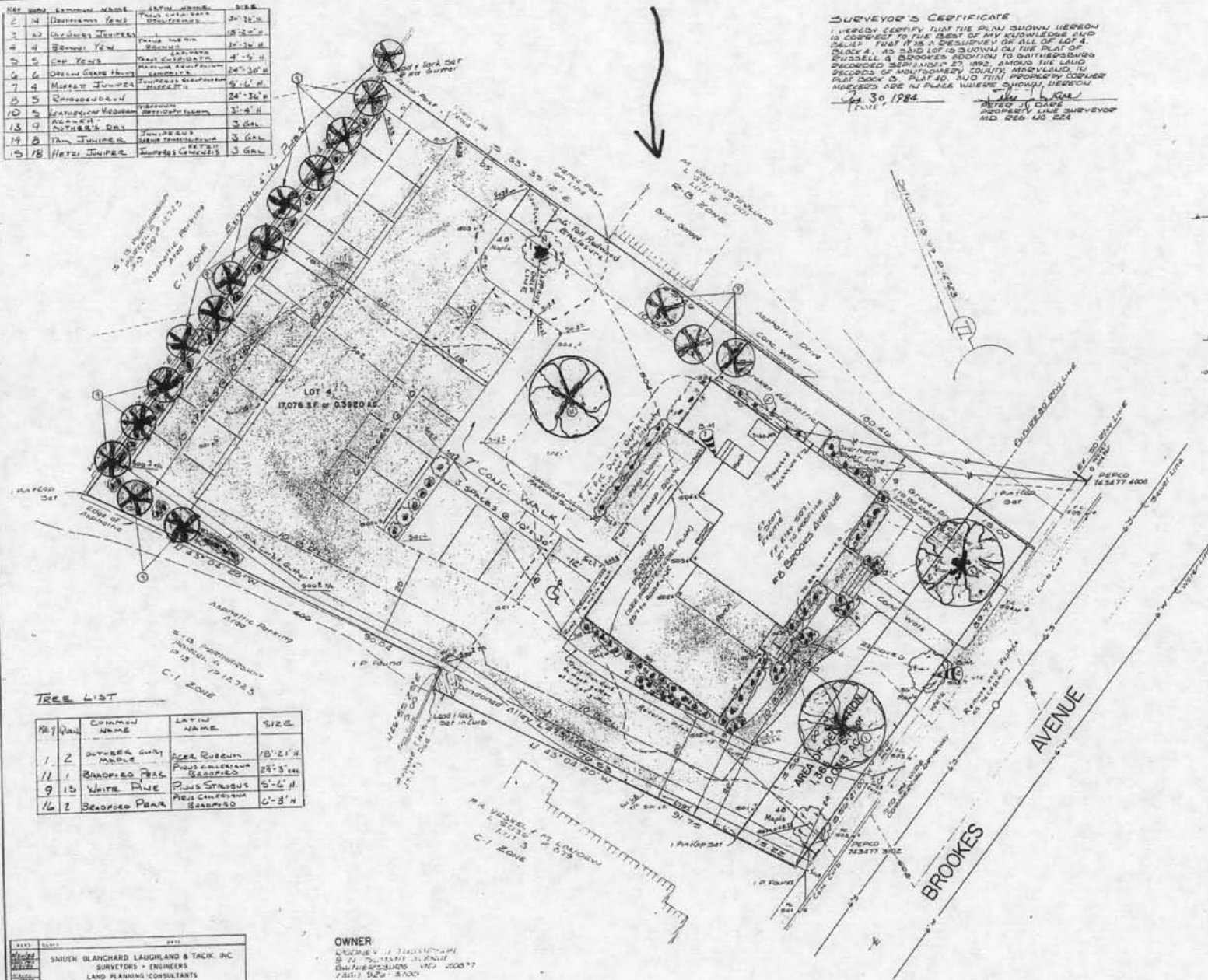
HPAC 5-406
HAWP-99
#7



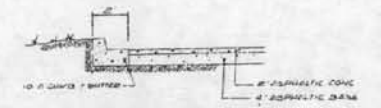
VICINITY MAP
SCALE: 1" = 600'

KEY	NO.	COMMON NAME	Latin Name	SIZE
1	2	DOUGLASS YEW	YEW	30" DBH
2	4	DOUGLASS YEW	YEW	30" DBH
3	4	DOUGLASS YEW	YEW	30" DBH
4	4	DOUGLASS YEW	YEW	30" DBH
5	4	DOUGLASS YEW	YEW	30" DBH
6	4	DOUGLASS YEW	YEW	30" DBH
7	4	DOUGLASS YEW	YEW	30" DBH
8	4	DOUGLASS YEW	YEW	30" DBH
9	4	DOUGLASS YEW	YEW	30" DBH
10	4	DOUGLASS YEW	YEW	30" DBH
11	4	DOUGLASS YEW	YEW	30" DBH
12	4	DOUGLASS YEW	YEW	30" DBH
13	4	DOUGLASS YEW	YEW	30" DBH
14	4	DOUGLASS YEW	YEW	30" DBH
15	4	DOUGLASS YEW	YEW	30" DBH

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT IT IS A RESUBDIVISION OF ALL OF LOT 4, BLOCK 4, AS SHOWN ON THE PLAT OF RUSSELL & BROOKES ADDITION TO GAITHERSBURG, MONTGOMERY COUNTY, MARYLAND, IN PLAT BOOK D, PLAT 40, AND THAT THE PROPERTY CORNER MARKERS ARE IN PLACE WHERE SHOWN HEREON.
DATE: MAY 30, 1984
BY: [Signature]
REGISTERED LAND SURVEYOR
NO. 266 MD 224



TYPICAL PARKING LOT SECTION
NO SCALE



TYPICAL DRIVEWAY SECTION
NO SCALE

BENCHMARK (BM)
BM 1: SW Corner of 2nd Floor Step ELEV 508.21
BM 2: Point SW of Right Hand Wall ELEV 504.80

NOTES:
AREA OF DEDICATION (365' x 100') NOT INCLUDED IN TOTAL AREA
TOTAL LOT AREA: 17,076 SF
TOTAL GROSS FLOOR AREA: 4,885 SF
PARKING: OFFICE (1/1500) REQ 10 SPACES, PROVIDED 20 SP
BUILDING COVERAGE: 2,815 SF (14%)
PARKING AREA (DRIVE): 3,640 SF (21%)
GREENSPACE AREA: 9,620 SF (56%)

TREE LIST

KEY	NO.	COMMON NAME	Latin Name	SIZE
1	2	DOUGLASS YEW	YEW	30" DBH
11	1	DOUGLASS YEW	YEW	30" DBH
9	15	WHITE PINE	PIUS STRATUS	5'-6" H
16	2	DOUGLASS YEW	YEW	30" DBH

SHUCH BLANCHARD LAUGHLAND & TACK, INC.
SURVEYORS & ENGINEERS
LAND PLANNING CONSULTANTS
10 EAST CHURCH ST.
POTOMAC, MD 20854
(301) 842-4300
2 PROFESSIONAL DR. SUITE 214
GAITHERSBURG, MD 20878
(301) 842-5100

OWNER
GAILER, J. J. & ASSOCIATES
5777 SOUTHWEST AVENUE
GAITHERSBURG, MD 20878
(301) 842-5100

**BOUNDARY SURVEY
&
LANDSCAPE PLAN**
PROPERTY OF
RODNEY M. THOMPSON
LOT 4, BLOCK 4
RUSSELL & BROOKES ADDITION
TO
GAITHERSBURG
RB 'B' PLAT 40
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 10' MAY 1984

From: "Cathy Drzyzgula" <cathy@drzyzgula.org>
To: "Ronda Bernstein" <r_r_bernstein@msn.com>, <RARKIN@cvm.fda.gov>, <corasage@msn.com>, <DLyter@air.org>, <JMarsh@gaitthersburgmd.gov>, <emoyer@semmes.com>, <PPatula@gaitthersburgmd.gov>
Date: 04/07/2006 12:24:47 PM
Subject: 10 brookes Avenue

Here is a time line from the Sanborn maps for 10 Brookes:

1914, no house, no garage

1924, house exists with typical pantry/well bump out on right rear, no garage

1930, house exists with typical pantry/well bump out on right rear, no garage

1949, house with left rear addition and garage, the addition on the left side extends across the back two thirds of the house, as well as along the driveway side. This part is stucco, there is a smaller section on the right rear which extends less far back and is not stucco, and appears to be the original right rear bump out although the windows and doors have been replaced.

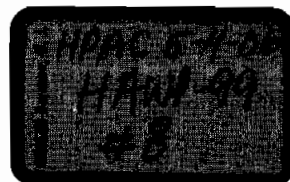
The garage windows, the windows in the stucco addition and some of the house windows are 6/1 which was commonly used in the 30's. Other house windows are the 3/1 frequently used in the 20's and the side windows on the first floor include some unique wooden casement windows. My guess is the garage and the addition were built at or near the same time, probably in the 30's. The addition on my house built between 1930 and 1938 uses the same window type, and my garage, built between 1924 and 1930 has the craftsman style exposed rafters used on this house, the left rear addition and the garage, although my house is older and not originally craftsman style.

To me the garage is very well built and detailed, sort of 'high style' for a utility building. The house addition is substantial, only part of it projects into the driveway area and a more detailed look at it would be needed to figure out how to shrink it if that was the preferred option. I would be willing to do a title search on the house if that would seem to be useful.

Cathy

--

Using M2, Opera's revolutionary e-mail client: <http://www.opera.com/m2/>



From: "Cathy Drzyzgula" <cathy@drzyzgula.org>
To: "Ronda Bernstein" <r_r_bernstein@msn.com>, <RARKIN@cvm.fda.gov>, <corasage@msn.com>, <DLyter@air.org>, <JMarsh@gaithersburgmd.gov>, <emoyer@semmes.com>, <PPatula@gaithersburgmd.gov>
Date: 04/07/2006 1:12:34 PM
Subject: 10 brookes Avenue

I also see from the zoning code that the parking requirement can be waived by the Mayor and Council for properties with designated historic structures (section 24-218):

(j) Notwithstanding any other provision to the contrary contained in this chapter, the requirements of this article may be waived in whole or part by the city council for any proposed original or new use or reuse of a building, structure, premises or lot located within the Olde Towne District as defined in section 24-161 or for any lot upon which there exists a structure designated by the historic district commission as a historic resource. The waiver applicable herein may be granted upon the application of the owner or occupant and only upon a finding by the city council, after public hearing, that such waiver would not be detrimental to the public health, safety or general welfare and that such parking cannot reasonably be provided on-site. The city council may attach such conditions or safeguards to protect and enhance the public welfare as it may deem necessary. Any waiver granted hereunder shall expire with any subsequent change in use or reuse of the building, structure, premises or lot. No waiver granted hereunder shall affect the authority of the city council to create a parking lot district and apply the requirements and standards relating to such district, including, but not limited to, the assessment or taking of properties to which a waiver applies.

I would be interested to know what the practical requirements for parking at this site are, if they are different than the standard of 1 space/300 sq. ft. for office.

Cathy

--

Using M2, Opera's revolutionary e-mail client: <http://www.opera.com/m2/>

From: Jacqueline Marsh
To: Bernstein, Ronda; corasage@msn.com; DLyter@air.org; Drzyzgula, Cathy; emoyer@semmes.com; Patula, Patricia; RARKIN@cvm.fda.gov
Date: 04/07/2006 4:29:23 PM
Subject: Re: 10 Brookes Avenue

You can come in any time to view the aerial.

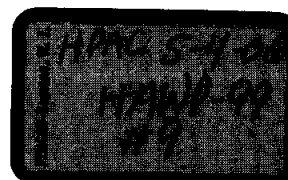
As I previously mentioned, there is no evidence of the garage or associated building permits within the street file. Unfortunately, things either got misplaced or thrown away if there was a building permit at all.

>>> "Cathy Drzyzgula" <cathy@drzyzgula.org> 04/07/06 4:23 PM >>>
Can you look for a building permit for the garage to confirm this? There should be one from time shouldn't there? I would like to see the arial photo if that is possible.

Cathy

On Fri, 07 Apr 2006 15:16:32 -0400, Jacqueline Marsh
<JMarsh@gaitthersburgmd.gov> wrote:

> Cathy- Thank you for devoting your time to research this property. Today
> I also did some research and was able to determine the following:
>
> - As I mentioned last night, there is no information in the street file
> for 10 Brookes Avenue, nor were there any HAWPs or an Inventory Form
> done. I tried to see if any existing site plans have been done near this
> property. Sure enough, I found a site plan for 8 Brookes Avenue, from
> 1984, when the applicant applied for office space with additional
> parking in the rear. The site plan showed a "brick garage" on the other
> side of the property line, which would represent 10 Brookes.
>
> - This information was a good start, because afterwards I looked at
> very old aerials of the City, which we have in our attic. They date back
> to the 60s, and I could find no evidence of any garage on this property.
> I have one in particular that is a close up (relatively speaking) of the
> area, and it is clear there is no garage. Trudy looked at it as well and
> places this particular aerial to be circa 1980 (due to certain buildings
> and roads being built, not built, etc.). Staff would say that the garage
> was probably built sometime between 1980 and 1984. If a garage did exist
> before, it was probably torn down and rebuilt.
>
> In response to waivers being granted for this property, staff would not
> recommend this for this property. The Planning Commission is very
> reluctant to grant waivers recently. Mr. Riley would need to provide one
> parking space for every 300 square feet he devoted to office.
>
> Jacqueline Marsh
> Planner
> Staff Liaison to the Historical Preservation Advisory Committee
> Planning and Code Administration
>
> (301) 258-6330 x2125
> (301) 258-6336 (fax)
>
> 31 South Summit Avenue
> Gaithersburg, MD 20877-2098
>



From: Ollie Mumpower
To: Jacqueline Marsh; Patricia Patula
Date: 04/21/2006 7:44:21 AM
Subject: Re: Fwd: Garage at 10 Brookes

The other way this might work is for the garage to be relocated somewhere on the property that would allow better access to a new parking lot for this site. while this is possible I am not sure how practical this would be.

>>> Ollie Mumpower 04/20/2006 3:33:07 PM >>>

I am not sure what else to add about this. There is not enough room between the garage and the house for 2 way turning traffic.

In addition, both the garage and the house limit sight distance for someone coming from the proposed parking lot . They could not determine if someone was entering the driveway the same time they wanted to exit.

The only options I could see to resolve this issue would be :

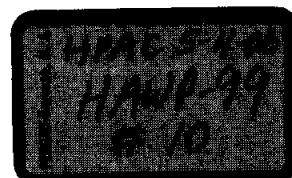
- eliminating the garage to improve sight distance
- use the existing driveway as an entrance and providing a separate exit, on this property, to make this a one way in/ one way out operation
- work with 8 Brookes Avenue to tie into their parking lot to either provide full access at #8 or to allow drivers to enter from #10 and exit on #8

Ollie K. Mumpower
Engineering Services Director
Department of Public Works, Parks Maintenance and Engineering
800 Rabbitt Road
Gaithersburg, Maryland 20878-1600
301-258-6370 Ext. 106
301-258-6375 FAX
301-258-6430 TTY
omumpower@gaithersburgmd.gov
www.gaithersburgmd.gov

>>> Jacqueline Marsh 04/20/2006 3:02:19 PM >>>

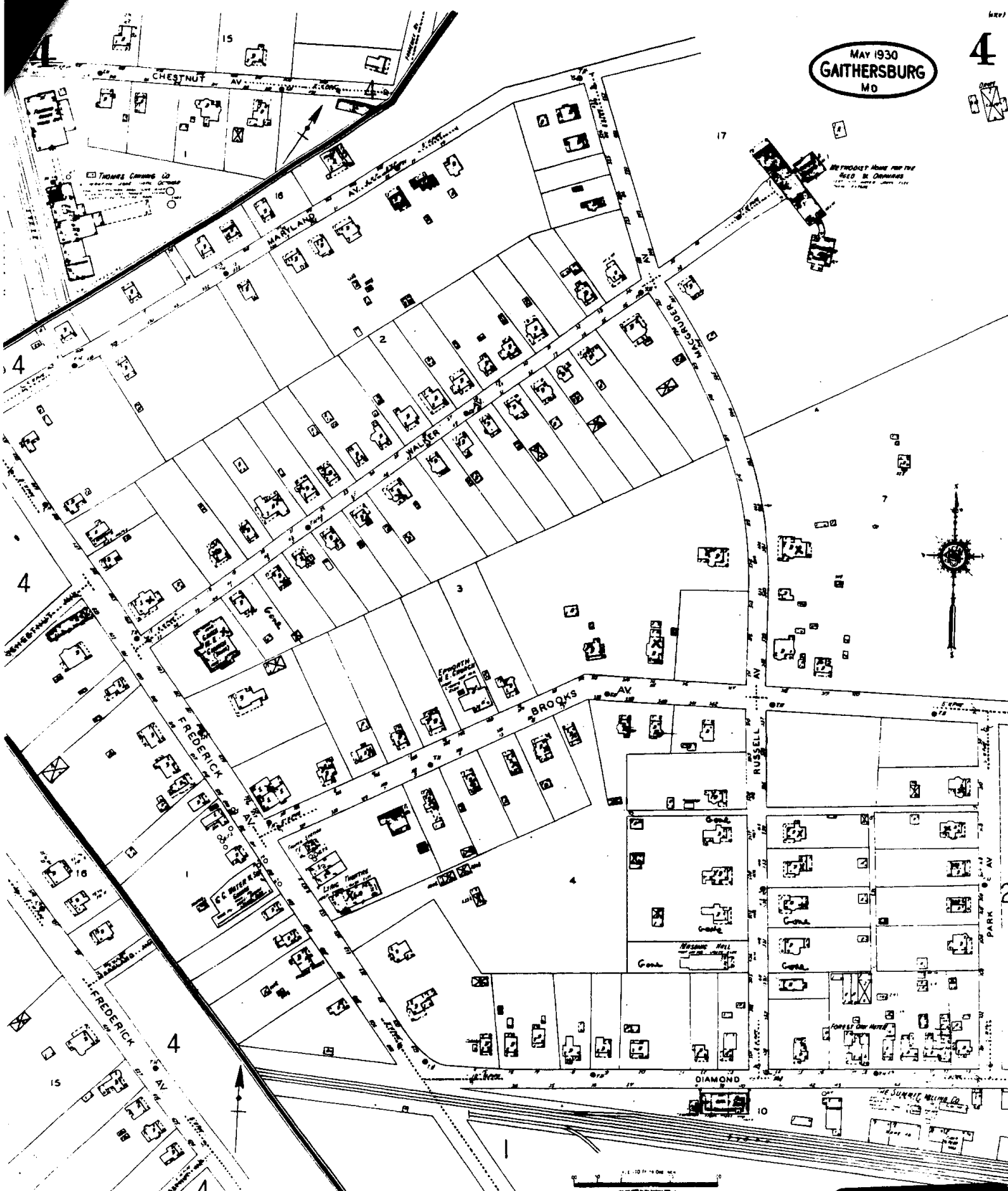
>>> Patricia Patula 04/20/06 11:15 AM >>>

Jackie, do you think we could ask Ollie to come to the HPAC meeting re the drive aisle distance required, or perhaps provide us with options in writing so we don't have to demolish or move the garage?

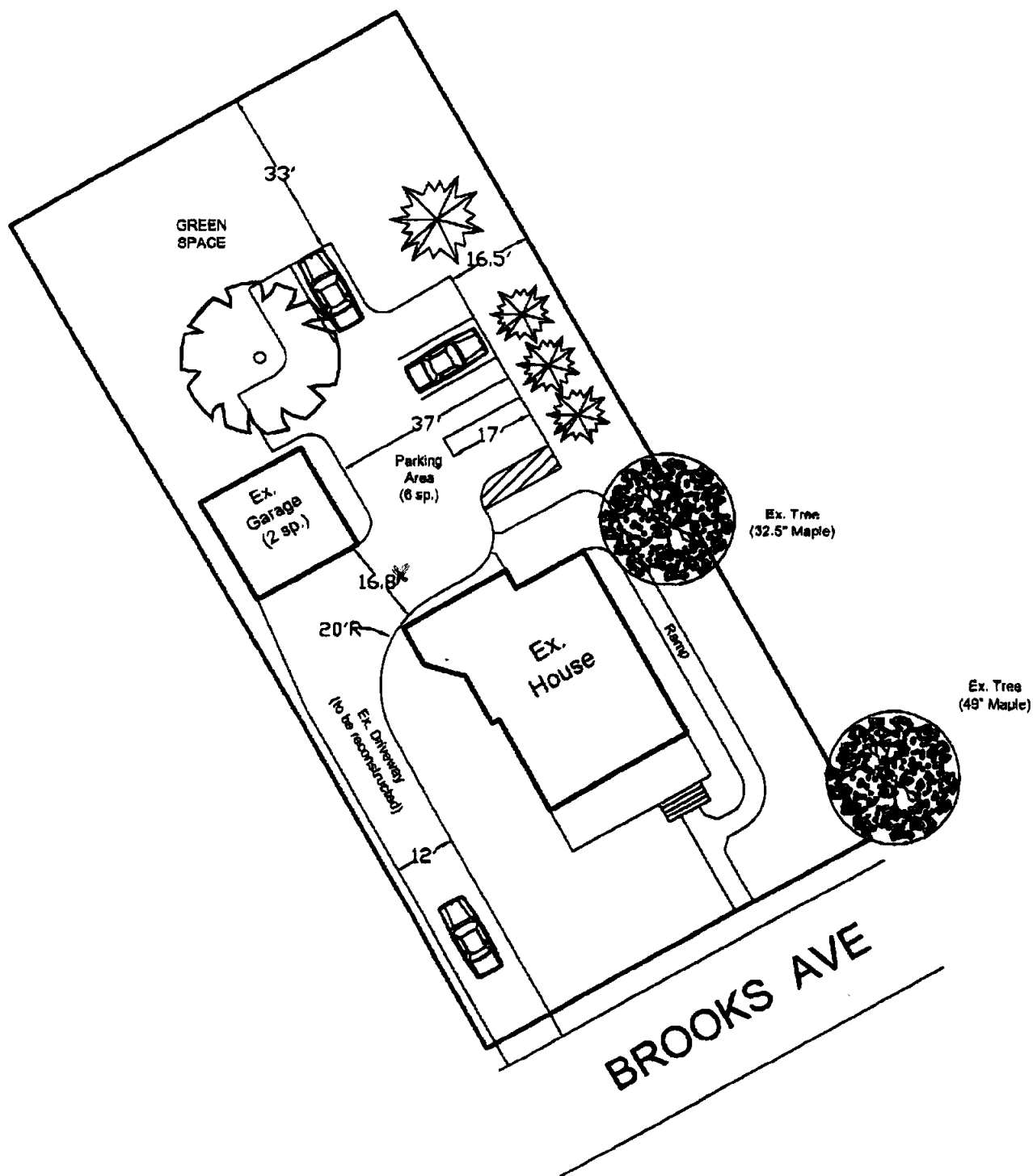


MAY 1930
GAITHERSBURG
MD

4



WAC 5-90
HAW 99
#11



HPAC 5-4-06
HAWK 19
12



April 21, 2006

Ashby Tanner, Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Ashby:

Please publish the following legal advertisement in the **April 26, 2006**, issue of the *Gaithersburg Gazette*.

Sincerely,

Jacqueline Marsh
Jacqueline Marsh, Planner
Planning and Code Administration

ASSIGN CODE: HAWP-99

NOTICE OF PUBLIC HEARING

The Historic Preservation Advisory Committee of the City of Gaithersburg will conduct a public hearing on HAWP-99, filed by Vladimir Gomez, on

**THURSDAY
MAY 4, 2006
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests a certificate of approval from the City's Historic District Commission for the demolition of the rear garage at **10 Brookes Avenue**. §24-228 of the City Code (Zoning Ordinance) requires a historic area work permit for altering exterior features of a historic resource. The subject property, located on Lot 5, Block 4, of the Russell and Brookes Addition to Gaithersburg, is a contributing resource to the Brookes, Russell, Walker Historic District.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

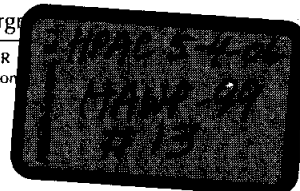
Jacqueline Marsh, Planner
Planning and Code Administration
JAM
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Gaithersburg

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31 South Summit Avenue
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NOTICE OF PUBLIC HEARING

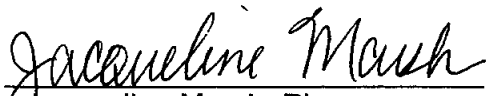
The City of Gaithersburg Historic Preservation Advisory Committee will conduct a public hearing at the time and place noted below.

Meeting: Historic Preservation Advisory Committee
Application Type: Historic Area Work Permit Request
File Number: HAWP-99
Location: 10 Brookes Avenue
Lot 5, Block 4, of Russell and Brookes Addition to Gaithersburg
Applicant: Vladmir Gomez
Development: Brookes, Russell, Walker Historic District
Day/ Date/Time: Thursday, May 4, 2006, 7:30 p.m.
Place: COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE

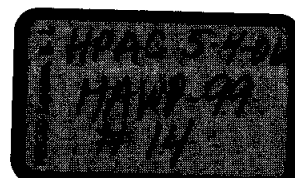
IMPORTANT

The application requests a certificate of approval from the City's Historic District Commission for the demolition of the rear garage at **10 Brookes Avenue**. Section 24-228 of the City Code (Zoning Ordinance) requires a historic area work permit for altering exterior features of a historic resource. The subject property, located on Lot 5, Block 4, in Russell and Brookes Addition to Gaithersburg, is a contributing resource to the Brookes, Russell, Walker Historic District. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

CITY OF GAITHERSBURG

By: 
Jacqueline Marsh, Planner
Planning and Code Administration

SEE LOCATION MAP ON REVERSE SIDE



NOTICES SENT THIS 24th DAY OF APRIL, 2006, TO:

APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

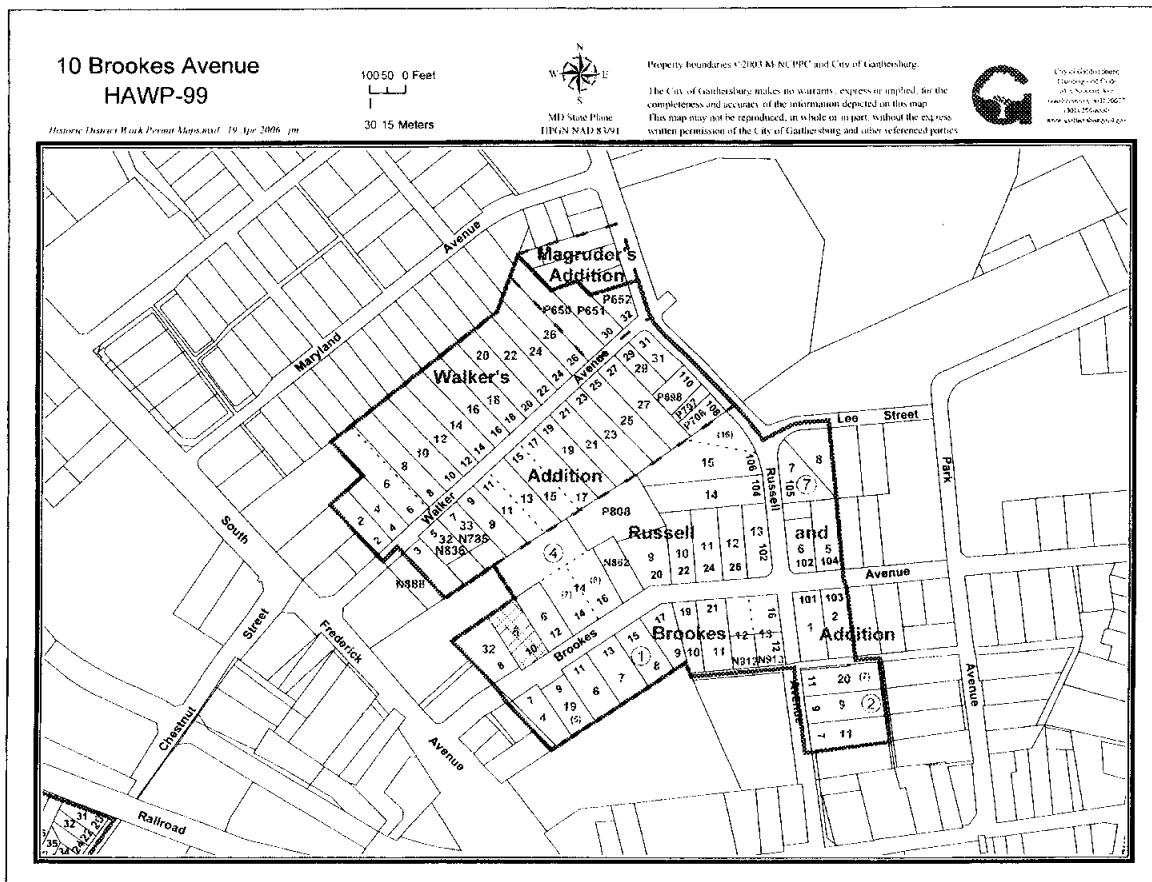
HISTORIC PRESERVATION ADVISORY COMMITTEE

HISTORIC DISTRICT COMMISSION

CITY STAFF

David B. Humpton, City Manager
Frederick J. Felton, Assistant City Manager
Tony Tomasello, Assistant City Manager
Cathy Borten, City Attorney
Britta Monaco, Public Information Director
Doris Stokes, Administrative Assistant
Jeff Baldwin, City Web Administrator (via email)

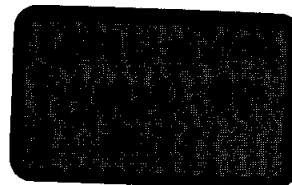
LOCATION MAP



TRANSCRIPT OF THE
MAY 4, 2006
HISTORIC PRESERVATION ADVISORY COMMITTEE
MEETING
FOR PUBLIC HEARING
ON
HAWP-99

10 Brookes Avenue
Demolition of Garage
Applicant: Vladimir Gomez

Transcribed by
Karen J. Jordan



PARTICIPANTS

HISTORIC PRESERVATION ADVISORY COMMITTEE

Chairperson Richard Arkin

HPAC Members:

Cathy Drzyzgula
Joe Coratola
Erin Moyer
Ronda Bernstein

STAFF

Patricia Patula, Planner
Jacqueline Marsh, Planner

OTHER SPEAKERS

Vladimir Gomez, Applicant
Paul Katrivanos, Realtor
Al Riley, Potential Purchaser
Peggy Murray, 4 Walker Avenue
Robert Stalker, 11 Brookes Avenue
Warren Johnson, 104 Chestnut Street
Judith Christensen, 6 Walker Avenue

CHAIRPERSON RICHARD ARKIN Next item on the agenda is Historic Area Work Permit 99. The applicant is Vladimir Gomez, 10 Brookes Avenue for the demolition of a garage. And this is a contributing resource, is it not?

PLANNER JACQUELINE MARSH Yes.

ARKIN In the Brookes/Walker/Russell, I think I'm getting the order of the streets wrong, Historic District. And do you have a staff presentation? Ms. Marsh.

MARSH This is a public hearing on HAWP 99. This hearing has been duly advertised in the Gaithersburg Gazette on April 26, 2006 and the property has been posted. At the present time there are 20 exhibits in the record file. These exhibits are referenced in an exhibit list in the file. The individual exhibits may be reviewed during the course of the meeting or in the planning office during regular business hours at City Hall. Any objections to the receipt of any exhibits should be noted prior to the closing of the record, otherwise they will be deemed received in evidence.

ARKIN And I should ask if there are any conflicts to be disclosed. Okay. Thank you. You are the applicant sir?

MR. PAUL KATRIVANOS Uh no. Vladimir Gomez is sitting over there. But we have with us Mr. Al Riley. He is the contract purchaser and he'd like to address the committee.

ARKIN Okay. Would you identify yourself?

KATRIVANOS I'm Paul Katrivanos. I'm the listing agent of the property.

MARSH Sir. Could you spell your last name?

KATRIVANOS K A T R I V A N O S.

MARSH Thank you.

ARKIN And an address please?

KATRIVANOS Home or office?

ARKIN Either one I think.

KATRIVANOS 3300 Olney-Sandy Spring Road, Olney, Maryland 20832.

MARSH Thank you.

KATRIVANOS You're welcome.

ARKIN And would you identify yourself?

MR. AL RILEY My name is Al Riley. I met with you all last month. This time last month and

ARKIN Would you. Would you give your address please?

RILEY 8607 Augusta Farm Lane, Gaithersburg, Maryland 20882.

ARKIN Thank you.

RILEY Thank you. Last month I met with the Committee and I appreciate you taking the time to look at my plan. I think we had. I think we came to the conclusion, based on conversations with several employees of the City of Gaithersburg, that there's an obstacle in developing 10 Brookes Avenue from a residential property to a commercial property. And that obstacle is the parking. And the access to the parking. And I understand that this Committee went out to the property last night and I believe it was last night. And I appreciate that. For you all to look and see exactly what the problem is and it appears to be the distance between the corner of the house and garage which is, in my measurement, approximately 18 feet. And the turn radius it's about 16 point 8 feet or 17 feet. The requirement is 20 feet. The only way that I can see that the property be able to be converted to an office and to be able to conform to the parking requirements is either to knock the garage down or give a variance on the turn radius in order to access the seven parking spaces in the rear, that are proposed. And I think ya'll have a copy of my site plan with the paperwork that I provided you last month.

The only other option that I think that was discussed; well a couple other options. One is to move the garage. I think that would be cost prohibitive and deemed the project to be financially not feasible for me to undertake. The other option is provide a curb cut on the other side of the house to provide access to the rear in order to accommodate the parking arrangement. No change will take place to the exterior of the house at all. All the. It's all interior items that the City of Gaithersburg, that I've gone over in detail with uh. All the names are in my file here. I believe

MEMBER CATHY DRZYSGULA The appropriate people.

RILEY It's been a month since I've visited this. But the gentleman. There's two gentlemen in the City of Gaithersburg that consulted with me on the things I would need to convert it to an office.

MARSH Cliff Lee.

RILEY Cliff Lee. Thank you. There was another. Roger?

MARSH Randy.

RILEY Randy. Thank you. So I just want to give you another overview of what we're proposing. We're still interested in doing it. I'm a real estate appraiser. I've been living in the City of Gaithersburg or living in the greater Gaithersburg area for over 20 years. I have my children up at Gaithersburg High School. I'm not going anywhere. I'd love to be in the City. I'd love to be in that house with my office. But there's one impediment and that is the parking arrangement. I appreciate your time and I think I'll yield to Mr. Gomez.

ARKIN Okay. Before you do I said, state for the record that there was a site visit yesterday.

PLANNER PATRICIA PATULA Tuesday.

DRZYSGULA Tuesday.

ARKIN Tuesday. What was yesterday?

DRZYSGULA Wednesday.

ARKIN Yes. I lost a day. Sorry. There was a site visit Tuesday at which three members of the Committee were present. Mr. Coratola, Ms. Drzyzgula and I and Pat Patula from staff.

PATULA And I believe Ms. Bernstein visited on her own time.

MEMBER RONDA BERNSTEIN On Friday.

ARKIN So we have looked at the site and we didn't discuss it at the time. But I guess we are here to discuss tonight and to ask some questions. If I may, before we speak to Mr. Gomez, have you looked at any alternatives? Have you looked at anything like applying for a waiver or some other accommodations to permit a narrower drive or turn radius or perhaps paving some areas that are currently unpaved and the access to increase your radius? Have you looked at any of those alternatives or chatted with staff about that?

RILEY I have chatted with staff. My understanding is that the garage spaces count as two and then you need one space for every three hundred square feet of office space. So you need approximately seven spaces overall. My understanding is you can't get them in the front; they have to be in the rear. Along the side of the house you might be able, tandem parking is not acceptable. So that's the only other way that I can see it. And I've talked to. I've had an architect that I've retained

that's been helping me along the way who's worked with the City. My understanding in talking to the City is that tandem parking along the side of the house is not acceptable.

ARKIN Well I was thinking in terms of a waiver of the 20 percent, the 20 foot width requirement for an access to the back. If there is any feasible way. A waiver would have to be granted by the Planning Commission is my understanding. And there would be an application process. And typically in a situation such as this, we might weigh in. And the major consideration, what we would look to, is are the structures on the site. The individual structures on the site taken as a whole as well as setting to maintain the historic integrity to the extent possible on the site. So we would be looking for ways, for ways that might be less drastic than removal of the, of the garage.

I will offer my comment on my own part that in looking at the garage last night, it looked to me to be much older than was indicated in one of the memos in the record. Some of the detailing of the garage doors which are very unusual. They are accordion doors. The way they open. The way the paint has weathered and been repainted. Some of the interior detailing on the inside of the roof and overhang. The detailing in the attic. It looked to be. Well it may not have been built contemporaneously with the house; it certainly seems to have been added fairly recently thereafter. Certainly longer ago than fifty years. It is also, and this is a more subjective opinion, it also is a charming structure in itself. And as part of the, in my views, as part of the historic character of the neighborhood and that site, it may also have some commercial value in itself as an outbuilding that can be used for some other purposes assuming you can park, you can provide adequate parking. So those are some, that's a kind of a roundabout way of posing the question. Have you looked at other alternatives?

MARSH Pat. Why don't you tell them about all.

RILEY Well, can I address the one, I think the one question that he had in there that I need to address is that have I applied for a waiver. I know that we have discussed on at least two occasions with Ollie Mumpower who has suggested on no uncertain terms that the turn radius is inadequate. And that he would advise any

committee not to provide, or not to allow a variance. So the point seems. He's the number one. Isn't he the number one consultant for such a variance?

ARKIN Well I think the trigger word in your sentence or question is consultant. The final decision would be made by the Planning Commission.

PATULA Right. If I could update you on, I talked with Ollie again today. And he said that if an engineer could show on the drawing that it would be safe for at least one vehicle to make that turn. Well it's almost like an S-turn. That he might consider supporting a waiver. I had also suggested maybe a possible use of a couple mirrors. You know to help with the oncoming, outgoing. And he says well, maybe. In other words he's weakened a little on his stance

RILEY That's good to know.

PATULA so I. Cause I told him that, you know, we. Well I shouldn't be speaking so much for the Committee. But anyway, he's opening up a little bit in his thinking on that.

ARKIN There is another perhaps opportunity. I don't know if it is an opportunity. The building next door is operated as a commercial facility. And it might be worthwhile to ask the owner if he would be willing to enter into to some sort of a shared access/egress arrangement, then it might work to both of your benefits. There is also the potential for two curb cuts. I don't know if they would require some action by the City to permit that too. There are some alternatives that might be worth exploring. And it's Rodney Thompson who owns next door. Have you spoken at all with him?

RILEY I have not talked to Rodney Thompson and didn't think it would be a feasible alternative. What's in it for him? He's going to have to have some kind of compensation so that's a whole other negotiation. I don't see what would be the benefit to the owner next door for me to drive over his land to access my parking, but certainly could be asked. I'm sure that he wouldn't enter into such an agreement without some kind of compensation. So that's a whole another negotiation.

DRZYZGULA There's lots more people who want to speak.

ARKIN Okay. Are there any other questions of Mister, or any other questions of this speaker? No. Okay.

RILEY Thank you.

ARKIN Thank you very much. Okay. Mr. Gomez. You wanted to speak?

VLADIMIR GOMEZ Inaudible. Good evening. Hi. My name is Vladimir Gomez. I just file application on behalf of Mr. Riley. And I guess I hopefully he can have a (inaudible) his office done. Cause I, as you know, I'm selling my house to him. And hopefully he can do it.

ARKIN Have you. You've been listening to the conversation? Do you have any objections to an exploration of alternative ways of getting what he needs?

GOMEZ I was thinking about. I talked with Mr. (inaudible) I was thinking about the entrance of a parking by the left side of the house. Not to damage the garage. But I don't know what's the conditions. That was my point of view. You know, use the left side of the house as an entrance. If the other side is not available, use the other side. But I don't know what's going to be the conditions. That was my point of view.

ARKIN Okay. Are there any other questions of Mr. Gomez? Your address. You may have said this and I may have missed it. Your address is 107 Chestnut?

PATULA 10 Brookes.

ARKIN 10 Brookes?

GOMEZ 10 Brookes Avenue in Gaithersburg.

ARKIN Okay. That is your address as well as being the property address? Okay.

BERNSTEIN He owns the house.

ARKIN You own the house?

GOMEZ Yeah. I own the house.

ARKIN That's also your address?

GOMEZ It's my address.

ARKIN Thank you.

GOMEZ You're welcome.

ARKIN Okay. Is there anybody else present who wishes to speak on this? Yes.

MS. PEGGY MURRAY I guess I get to go first. My name is Peggy Murray. I live at 4 Walker Avenue in Gaithersburg so I live in the historic district in question. I've lived there for seventeen years. It will be seventeen years at the end of June. And I. I

hadn't even remembered getting the notice in the mail. That's sort of irrelevant. Except for the fact that when I saw the sign I was moved to come to the meeting tonight and speak. Now I walk every morning through the district with another one of my neighbors and several of us were speaking about this on Monday evening.

There's a reason that we have a historic district and there's a reason that those of us choose to buy property here and to keep it as conforming as possible and to make it as nice as possible. And that's, you know I don't think I have to even state that reason to this Committee. And I do want to implore the Committee to really, really be very, and it seems like you are, to take this under very strong consideration. It's a beautiful home and I've admired it for many years. And it's a beautiful garage. In fact, very many people in the neighborhood envy that garage because of the style of the garage. The fact that the construction is so beautiful and it's certainly older than fifty years old. Those of us who are into historic homes and homes from the turn of the century are, you know, we're well aware of that.

It's important to all of us who choose to do this. And by that I mean to invest in the history of Gaithersburg and the history of anywhere. It's important for us to have, especially structures that are in such good condition, to stay that way. And that's why we have a historic district. I'm curious as to how long it's been a commercial property. It's been zoned commercial?

ARKIN Well it is zoned R-B. Which is a transitional zone.

MURRAY Okay. So it's residential buffer.

ARKIN Right.

MURRAY Right.

ARKIN There would have to be a separate application, as I understand it, for a change in use, but the zoning does permit either use in that zone. My understanding is that it is currently a residential use and occupied presumably by Mr. Gomez and. But really what's before us tonight is simply the question of demolition of the garage.

MURRAY I understand that but it seems like it's gonna be demolished and the reason is to turn it into office space which would mean it's not going to be residential

buffer anymore. It's going to be commercial, if it goes through that. That has to go through a process where I also supposedly a public hearing? Is that

PATULA Right. The zoning, the R-B zoning was established and Judy can help with this, I think before the historic district was even established. And so when they established the district they encompassed the houses because it all looked unified but they didn't change the zoning of the few houses on the edges that were zoned R-B.

DRZYSGULA I think part of the question is what's the difference; I mean the sign in front of the house said for sale, commercial. The applicant was referring to it as commercial but it's not actually zoned commercial.

PATULA Right. It's. The uses are very limited. For example, office uses. You can't have a retail there or a grocery store. It's very limited to serve that purpose of the buffer.

MURRAY Okay. But an office building is allowed under the current zoning?

PATULA Right. As long as the parking is adequate.

ARKIN But it doesn't. It is not a rezoning application which means that the application

MURRAY No, okay. Now I understand

ARKIN doesn't have to reach some special hurdles having to do with the rezoning. It's a different level of review that would go on for change in use.

MURRAY Okay. It's more clear now. So that, without having to go through a zoning, rezoning process, they could have an office building there. That's allowed under the current zoning for this as long as this parking question gets settled? Okay. That leaves out that argument. I would just like to state that it would, my preference would be to see if he could get a variance to. To see if he could work with the neighboring office. And I don't think it would be as difficult as was stated. Again, people who own and have offices in the historic district might care enough that they would work out an arrangement without it being purely, you know, needing to have commercial value. And to, not to, the option I didn't like when I heard it discussed was having another driveway on the other side. Because that is encroaching more and more onto the residential part of the street which I think is really important. I live, you know, two houses in the from 355. I'm at 4 Walker and I live next to a residential buffer property as well and it's becoming more and more clear to many of

us in the neighborhood that the properties on the peripheral of the historic district are becoming rundown and not being maintained and so we're starting to feel an encroachment sort of in the residential part of the neighborhood.

So I would, you know, I have no problem with there being an office space there but I certainly want to see the garage kept because like I said it's a beautiful structure and the house is a beautiful structure and so we'd like to see that not changed. Thank you.

ARKIN Are you suggesting, if I may? Are you suggesting that this house is rundown or the garage is rundown?

MURRAY Not this one. No. There are other parts of; its part of a larger argument, but the focus tonight I know is on 10 Brookes. I'm just saying that there are other houses on the edges of the historic district that are starting to get rundown and we're starting to talk about what we might be able to do about that.

ARKIN But in this case, if I understand you correctly, you're stating that you would like to see the garage preserved in some form as well as the house and you'd like to see as minimal an intrusion as possible.

MURRAY Yes. As minimal intrusion especially on the residential. You know the other side where there is no driveway right now cause that borders on the residential part of the street. Okay. Thank you.

ARKIN Any other questions? I'm sorry. Okay. Thank you very much. The gentleman sitting next to the last speaker, who wanted to speak also.

MR. ROBERT STALKER Hello. I'm Robert Stalker. I live at 11 Brookes Avenue and I just stopped by. I've lived on the property since about 1978 and I know the garage was there when I moved in and it had looked like it had been there for a substantial amount of time. So it was some discussion that if it had been built in the 80's but I'm sure that's not the case. And I have to agree that with the last lady that was up here that I really wouldn't like to see another driveway on the street. I mean the church is there. Rodney Thompson's commercial establishment is there. There are a number of driveways there already and I personally would not like that and I think it would be; the traffic flow would be affected and the safety would be affected and a lot of other things. I think this is a circumstance where the City of

Gaithersburg and all the different entities that service it and are part of it is a challenge to them to have the community stay historic with that character and also help the person who wants to go in and hopefully improve the property rather than let it dissipate into something that, you know, none of us want. So, that's about it.

ARKIN Thank you. Are there questions? Thank you very much. Anybody else present who wishes to speak? Yes sir.

MR. WARREN JOHNSON My name is Warren Johnson. 104 Chestnut Street in Gaithersburg, Maryland. And I would certainly commend the Chairman of his assessment of the purpose of this Committee which is to preserve historic structures and I. If this Committee is not able to find that the structure is not historically significant I believe that you're obligated to recommend that the permit be denied unless you can find that it is only a minimal impact to this site. And so I, as I say I certainly commend Mr. Arkin for his approaching that and I think that's the position that this Committee is almost obligated to take. Thank you.

ARKIN Thank you. Are there questions of Mr. Johnson? Thank you very much. Is there anybody else present who wishes to speak? Ms. Christensen. (Directed to Mr. Riley - You'll have an opportunity to speak at the end or at least after everybody else who has not spoken has a chance to speak).

MS. JUDITH CHRISTENSEN I believe the property in question is a R-B?

ARKIN Judy, could you identify yourself, name and address?

CHRISTENSEN Yes. Judith Christensen, 6 Walker Avenue.

ARKIN Thank you.

CHRISTENSEN Gaithersburg. I believe the property in question at 10 Brookes is a R-B property? Is that correct?

PATULA Yes.

CHRISTENSEN That's what I thought. Well when this R-B zone was created it was intended to be a buffer; a transition between the more commercial activity which was C-2 on Frederick Avenue and the residents which were basically not very far away. At that point it was intended to be a property where the owner who maintained the office was resident. In other words, it was more like a home/office which could be used. But the homeowner was intended to be a resident on the property. So it was somewhere between a commercial property and a residence. And indeed the first

house on Walker Avenue that was utilized was a seamstress that was called Stephanie who made custom bridal gowns and things of that nature. And she lived in the home upstairs and she had her workshop in the downstairs and a small sign that said Stephanie out in front. And I just implore you to remember that that is really the intention of this zone. It is not to establish a large commercial property which needs a lot of parking and a lot of office use. It is really intended to be a transition zone where the commercial and the residential is combined. Thank you.

ARKIN Thank you very much.

PATULA If I could just add something to that. The way that our Ordinance is currently written and it may have been changed over the years, the residential portion is not required. But that probably was the original intent of the zone.

CHRISTENSEN It was originally.

PATULA But now it's not required. It can just be

CHRISTENSEN But it's still the buffer zone. A transitional zone.

PATULA Right.

CHRISTENSEN So it is not intended to be a dense commercial use and I would just try and keep that in mind. Thank you.

ARKIN Ms. Christensen. I believe what the applicant said was that they intend to make no physical changes to the exterior of the structure right now. And the only issue that's in question tonight is removal of the garage. And I wonder, given that your expertise on historical matters and historic preservation, if you have any opinion about the garage itself?

CHRISTENSEN It's a splendid example of an automobile garage of that period. I know it was built long before 1980. I have photographs of it in our inventory of Gaithersburg's historic sites that date from the 1970's and I considered it to date from about the 30's at that point. So I'm not real sure when it was built. You don't see it on a Sanborn map until somewhat later, maybe 1949, but the nature of the Sanborn map is that they were drawn on linen and there was not revisions unless there was a new house built or something. So it suddenly appears in 49 but it could have been a little earlier, we really don't know without building permits.

ARKIN Well 1949 is certainly in excess of the fifty year threshold that's our

CHRISTENSEN Yes it was definitely there in 1949.

ARKIN And your opinion is that it's somewhat older than that?

CHRISTENSEN I would think so, yes. It definitely has that look of being older.

ARKIN Do you think again, without my putting words in your mouth, do you think that the garage is of significant value, no value, minimal value, in terms of the historic nature of the, that lot?

CHRISTENSEN Well I think it is significant because obviously it was built to be a companion to the house in style and in quality. And we don't find that very often in the older parts of the historic district. The garages were built somewhat later and they were generally a framed thing that was thrown up somewhere. But this one, I think, has all the earmarks of being planned as a unit. So I think that it's a significant feature of that particular property.

ARKIN Since the issue of use is not before us, at this point. If the use were changed to something else, such as the office use that the applicant has suggested as in the plan, as in their plan. Would you prefer to see a solution to parking that did not involve removal of the garage or is that not something you have an opinion on?

CHRISTENSEN I would prefer that, right. There is an alley which runs by it, which is a public alley. The driveway that goes back from Brookes Avenue into the shopping center parking lot is actually a public alley. And perhaps that could be utilized and I agree though when you get more commercial driveways fronting on your street it suddenly changes the nature of the streetscape. However, I have to add that we did look at that house back in the 70's before we purchased the house we now have lived in for thirty years and at that point it was a rooming house. So it has always been used kind of as a fringe property to generate money and the selling point when we looked at it was, oh look, you can live on the first floor and rent out all the rooms on the second floor and they all had locks on them and it was a rooming house. So, it has always been kind of a transitional use, so to have an office, you know, a low level office use, I don't think would be tragic at that point.

ARKIN You, uh, I'm looking at the exhibits that are on record and I guess I am not seeing the alley that you refer, that you are referring to. Ms. Bernstein is pointing out the abandoned alley between the

BERNSTEIN Let me turn it this way so you can see it better.

ARKIN Yeah. I see that. I see that. What is the status of that? It's on this plat.

PATULA I don't know. I'd have to check.

ARKIN Okay. So that's another. So that's a strip that appears to be between Mr. Thompson's property and this property.

CHRISTENSEN Well the thing I'm speaking of is the property, the access that goes in behind Mattress Discounters between Mr. Thompson's and the property. Now it could've been changed since then but many years ago when we did carriage rides through town, we utilized that alley as a way to keep horses and carriages off of Route 355, Frederick Avenue.

INAUDIBLE (Several people looking at the record and rustling papers)

BERNSTEIN Richard, can she look at one of these and point it out to us?

ARKIN Yeah. As Cathy just pointed out, we are

DRZYSGULA Judy's talking about the alley that's on the 355 side of number 8.

CHRISTENSEN That's what I'm talking about.

DRZYSGULA Okay. The plat in our packet is of number 8 not number 10 so the alley's on the left side of it. But the property with the garage is number 10 which would be. Well actually the garage is shown on the edge of this drawing with the arrow pointing to it.

CHRISTENSEN Right.

ARKIN And what you see on the, is a picture map which may not be accurate which is Exhibit Number 5 which doesn't seem to show, which seems to show property ownership rather than an alley strip. But I don't know if this is an accurate map or not. I guess that's something to be explored. Whether there is an alley or not.

CHRISTENSEN Well there would still be the issue of opening an access that would serve both the Thompson property and this one. Because either you would have to come in from that alley or you would have to come in from the parking lot which is currently owned by, I think, Grace Methodist Church.

DRZYSGULA No, it's owned by the shopping center.

CHRISTENSEN Well I think the church owns the shopping center, but I may be wrong. No? No. Okay. I'm behind the times.

INAUDIBLE (from audience)

CHRISTENSEN Too bad. Okay. Well, anyway, I think the neighborhood. If you're going to have a historic district or going to maintain it as a residential historic district, I think we also have a, are encumbered to protect the character of it. Because if the character changes we no longer have a residential historic district. However, it seems like we should be able to accommodate this use with some effort of working with adjacent neighboring properties. And, and it depends on how many parking spaces is needed and so forth. So. Thank you.

ARKIN Any other questions of Ms. Christensen? Thank you very much Judy. We appreciate your comments. Is there anybody else who wishes to be heard from on this application? The applicant wanted to make some remarks. Would you identify yourself again please?

RILEY Al Riley.

ARKIN Riley. Thank you.

RILEY I just wanted to ensure the residents that surround 10 Brookes Avenue that have appeared here tonight that my preference is to keep that garage. I like it. It seems. It does add to the character of the property and the historical relevance is what it is. It's a beautiful garage. The zoning ordinance does specifically say that it is to provide sites for low intensity office uses and service oriented non-retail commercial uses within residential style buildings adjacent to and serving residents of communities. It specifically says in residential style buildings. I will approach Rodney Thompson to see if that is a viable option. If not, the only other option, I think, is to grant a waiver of the 18 feet existing from the 20 feet. The plats that I've seen, I don't know if that alley exists anymore. It's a paved parking lot for the shopping center behind it. If the church owns it, I don't know if it's existing or not. The plats that I have don't, does not show the alley.

ARKIN Well I guess the question I would raise then is a question you would have to answer. Actually Mr. Gomez who is the applicant would have to answer. We have a requirement, there's a statutory requirement for a decision to be made within a, 45 days of the application unless the applicant agrees otherwise. And I, we could make a decision tonight based on the information if there is sufficient information available, or if you are willing to do so, we could allow you. We could by agreement

extend the deadline and allow you to explore some of these avenues and hopefully come up with something which will be as satisfactory to the neighborhood as it reflects your own needs. Is that something that you and Mr. Gomez would be willing to do?

RILEY I think that would have to be something that would be negotiated between the agents because we are, we have a feasibility study to where I have to make a decision on whether I am in or out. And it's been a while and I know that it's possible to extend it but I think that we need to discuss that. We're still within the study period. But I'm looking, you know, I'm open for all options to pursue. My guess is that the, and I'm just guessing, speculating, that the permit's not going to be, not going to be granted to demolish that garage. That's only, my only guess. So other avenues would certainly have to be pursued if that's the case. Forty-five days. That's outside our feasibility study so we would have to negotiate an extension on that which is possible.

ARKIN Well the forty-five days. The extension we would be looking for would be until the next meeting presumably.

RILEY First of next month?

ARKIN So it would be. The next meeting of the. It would be thirty days from whenever the Historic District Commission meets. Would it not? When is their next scheduled meeting beyond the May meeting?

PATULA In June, I don't know.

DRZYZGULA The 3rd is a Saturday. So the 1st.

MARSH If our meeting is the first. If it's June 1st, then the HDC meeting would be June 12th? Cause there's a worksession on the 30th. So that's a worksession.

DRZYZGULA So the 5th is a Council meeting.

ARKIN So it would be on the 5th? Wouldn't it?

DRZYZGULA Wouldn't the 5th be?

MEMBER JOE CORATOLA Basically, what you're talking about Mister Chair is allowing the applicant more time to study alternates and possibly remove this application for demolition

ARKIN Or modify it.

CORATOLA or modify it.

ARKIN Or we could act on it tonight.

CORATOLA What we're doing is, we're talking about a timeframe that

MARSH He could just withdraw the application.

RILEY Or a quick decision would be

MARSH You know. Because, if you withdraw the application knowing that the Committee probably is gonna deny it.

RILEY Or get a quick decision on it if you had enough information. Then you'll know either way. Right?

ARKIN Well, except you don't want to set up the situation where you're necessarily going to kill a deal that might otherwise be able to go forward. We're not trying to get in your way or in Mr. Gomez' way or anything like that. We're trying to find a solution to a problem that's consistent with our understanding of the Ordinance and what the public has said to which there seems to be to me, speaking only for myself, there seems to be at least some interest in the value of the architectural historical value of that garage as part of the property.

RILEY I think my interests are very consistent with the resident's interests' who have spoken here tonight. I wouldn't want to see a driveway on the other side of the house. I'd prefer to have the access to the rear parking between the two structures. And it's, we're only talking five people. That's my office. That's the size of it. Five people. It would be a light use of that property.

CORATOLA So the parking we're talking about here is for your office staff and personnel use only?

RILEY That's it.

CORATOLA It's not like it's open

RILEY I have nobody coming to my office.

ARKIN Except for the occasional UPS man.

RILEY Except the employees. Pardon me?

ARKIN Except for an occasional UPS delivery person or FedEx or

RILEY Right. They'd go right to the front door, I'm sure.

MARSH We can't base parking calculations on that. We have to do it by gross square footage of how

CORATOLA I'm not talking about count. I'm talking about use

RILEY The use is, it's a small office.

CORATOLA and possible argument with Mr. Mumpower about the turning radius.

ARKIN The people who will, the people who will park there will be people who are familiar with the site and will know how to park there or you will inform, or you will post it or something.

RILEY Right. There will be some days where there's only two people on that lot. It's a light, low intensity use of that property.

CORATOLA The only reason I brought that up is we're dealing with it as far as the planning situation. We're dealing with a technical issue that there are many situations in older properties that have much tighter turning radius' then this does and you could possibly argue that as well as argue the fact that this is not a public parking where people are coming in and out for a 5 or 15 minute or 30 minute drop-off period. You go in there to park and work.

ARKIN Does it work to the applicant's advantage or disadvantage to have a decision tonight?

DRZYSGULA The only thing is you can't resubmit the same application, right?

PATULA That's what I was going to say. If, for example, if he withdrew it, he cannot resubmit this same application until a year later.

ARKIN If there were. Should his exploration prove that there's no other alternative

DRZYSGULA Wait. If he withdrew it or we deny it? If he withdrew it, that wouldn't apply.

PATULA Oh, let's see.

(INAUDIBLE FROM AUDIENCE)

PATULA Right, for a year. But I think the goal is to just give him more time to pursue the options, right?

DRZYSGULA But he might want to know yes or no (inaudible).

PATULA Because the waiver doesn't come from this Committee. The waiver comes from the Planning Commission and you would present that with your plan for the parking area or whatever else you want to do to the property.

RILEY Okay. So the next step is to, is to apply for a waiver to the 20 feet.

MARSH I think the next step would be to have an engineer show the auto turn. When we have situations like this

RILEY I've provided that to the Committee last month.

MARSH Well the auto turn?

RILEY Auto turn?

MARSH It's a CAD program that engineers use to show how a car can maneuver around a turn. It's what Ollie Mumpower as the Engineering Services Director. It's what the Public Works Department. It's a kind of engineering specification they use. He said if he can have an engineer show that, and it's a program then he can be persuaded. Not really persuaded, I don't want to use that word.

PATULA That's a good word.

DRZYZGULA Might take that into consideration.

MARSH If he looks at something like and he can see that a car can make that turn and, you know like Pat suggested putting up mirrors, then that's what you have to do. It's not, I mean, we can't take just have your plat showing an arrow. We can't take that to the Planning Commission; that's not a valid site plan. Our Public Works Department would never accept that. So, that's a matter, that's a planning/code issue. And the Public Works Department, they would either

RILEY So that site plan that I provided from a land planner, who's an engineer, a landscape architect and land planner; that's not adequate?

MARSH It wasn't, it didn't show, it didn't show enough information.

RILEY Alright.

ARKIN I think what we're trying to say is there might be a way to do this and keep that garage too so if it becomes available for some use, whether as a garage or some other space. And

RILEY Do I get that, the engineer to provide that and submit it directly to Ollie Mumpower? Or is that an additional application?

MARSH No, it's not an additional application. Maybe what you should, we could just set up a meeting.

RILEY Okay.

ARKIN I think if this is open, it's an open application. And so you have a hook for getting in the front door without filing something separate. I think. I really don't see, unless, unless your deal has an expiration date on it, I really don't see how you would, in my opinion, I'm not sure how you would lose anything by accepting a, by accepting an extension until next month.

RILEY I'll leave that to Mr. Gomez.

ARKIN Okay.

MARSH Is that something that can be expressed now so it's on the record.

ARKIN Well I think

PATULA It has to be.

MARSH Well the date is. The date from the completion date of the application which is the 21st.

PATULA It can be extended by mutual agreement.

MARSH Right. But that's the, that's the date that the code recognizes.

DRZYGULA The forty five days starts at?

MARSH Yeah. The completed application.

DRZYGULA For us. Well not just us, but the whole process.

MARSH Yeah. Yeah.

ARKIN Mr. Gomez. Were you, did you. Would you come forward please?

GOMEZ Sure.

ARKIN Did you follow the conversation?

GOMEZ Yes I did.

ARKIN Basically, what we're looking for is a way to have our cake and eat it too. Where there could be access to the garage. I think the way. I mean to the backyard, parking in the backyard the way you suggested between the two buildings. An extension of time to see if that's feasible so that the whole question of removing the garage, demolishing the garage wouldn't have to come up. Would you be willing to agree to an extension, an extension until the next meeting next month? I guess it will be what?

DRZYGULA June 19th would be HDC.

ARKIN Okay June 19th.

MARSH Yeah, for the June. The June HDC meeting would be June 19th.

ARKIN Okay. Would you be willing to accept an extension til June 19th to see if this can be worked out?

GOMEZ Yes.

ARKIN Okay. Let the record reflect then that Mr. Gomez said yes and do we need a motion to

PATULA Keep the record open to get more information.

ARKIN Okay. Before we. There will be a similar meeting next. But in between is when the work would have to be done. When you have to come to staff and see how you can accomplish this and make any, have any conversations with the next door neighbor with the commercial parking lot on the other side and all of that. With Mr. Thompson. Okay, you follow what we're doing then?

GOMEZ Yep. Yes.

ARKIN Okay. Any other comments you would like to make since you're up here? No, okay. Okay thank you. Before we close the proceeding and have a motion, is there anything that anybody wishes to say that hasn't been said? Okay, seeing nobody. Then do we have a motion?

BERNSTEIN Can we discuss?

ARKIN I'm sorry?

BERNSTEIN Can we discuss?

ARKIN Oh yes. Well the record is. We would be discussing on the record? So we can do that. Okay. Ms. Bernstein.

BERNSTEIN I just wanted to, to make the suggestion that if you did decide to look at the option on the, facing the house to the right side of the house on the other side where the garage isn't, that if it's possible to do it there. Couldn't you, to please everyone and how no one wants two driveways, couldn't you pull up, you know, that other driveway, demolish it and sod on that side in the front of the garage and make that the other side, the right side. The access into the property. It would affect your handicap ramp though so you would have to rework that. But everyone was making comments about having multiple entrances and I just don't see a reason why there would need to be multiple entrances; multiple driveways if you flipped the location of the driveway. The other access could just be closed off and made into green space. So you would still have the curb cut obviously, but it wouldn't go anywhere.

RILEY The driveway would be coming up anyway for a new driveway. That's the intention. But then you wouldn't have any use whatsoever for the garage.

ARKIN Not as a garage.

BERNSTEIN Not as a garage.

RILEY But yeah. My intention is to (inaudible – speaking from the audience).

DRZYGULA Sir. We can't quite hear all of that.

ARKIN Yeah, you should, since we are on the record, you should be stating that.

RILEY Sorry. My intention is to pull up the old garage or driveway. The old driveway and repave it, the driveway and the parking lot consistently. It would be all new work. So to pull it up, it's going to come up anyway and to do new work it would be, it would just be, I don't think there would be any additional costs or and so that would be an option. I don't have any intention of parking cars in the garage, you're right. But there would be no driveway access to it.

BERNSTEIN Right.

ARKIN Are there any other comments? I would, I would comment that well that's an option, I think, my own feeling is if you could use the garage, use the driveway where the garage is. If there's a way to make geometrics work that way, that that's the way it's been for the last 50, 60, 70 years, however long it's been there. Maybe the material of the driveway has changed, it may have been gravel or dirt to begin with, but that would be in keeping with the historical character of the neighborhood and the garage. Whether you ultimately use the garage as a garage or not, you could use it. It would seem to me if you could have enough parking spaces in the back you might find that that would be attractive as office space. There might be a way to do that. Maybe not. Maybe it would be storage. Maybe it would simply be a monument to historicity. Who knows? But I would also. I hear what the neighborhood was saying about not wanting two curb cuts and two driveways and I think that makes a lot of sense, but there's at least one person here who said that they didn't want the drive access to be encroaching closer into the residential, the purely residential part of the neighborhood. But I would urge you to look at all these approaches and mirrors and signage and instructions to staff and you might be able to stretch a little bit of additional pavement to make your turning radiuses better.

Maybe in the hedge area between your structure and number 8. There might be a bunch of opportunities there to look at. And I think there's, I think time enough to do that. Ronda?

BERNSTEIN The house directly. There's one house directly here, encroaching on additional (pointing to exhibit). But then the next building is a church. So having the driveway on the other side.

ARKIN It's a potential solution.

BERNSTEIN Right. I mean it's not. It's encroaching but there's that area just in the residential at that point.

ARKIN I would urge you to look at all these options that we've been throwing out. Throwing up into the air to seeing which ones stick to the ceiling.

DRZYZGULA Can I just add something briefly?

ARKIN Please.

DRZYZGULA I shared this at the site visit but not all the HPAC members were there and not all of your party was here. Is that, Judy actually had aerial photos of this area which I have copies of, and the garage is shown. A photo from 1938. A garage. It is there in 1943 and appears to be there in 1951 although there's a tree very large. It's hard to tell whether it's there. So there was a garage on this property as early as 1938 and I don't have any reason to believe that, that was not this garage. This garage looks like it was built in the 30's. So.

ARKIN But there would be no building records available at that time?

DRZYZGULA Right. And if you look at the aerial photos that are in our packet the one that shows the garage currently, the contrast between the garage and the surrounding ground or turf or whatever is minimal and if there was a large tree over it, it could be well be obscured in this earlier picture. If you look at the earlier picture and you look at house number 16, which is the house, unlabeled house just the far side of the church. I would (inaudible) that house is obscured in that picture which makes it clear to me the garage could be obscured. So I don't, we don't have any evidence that the garage isn't that old.

ARKIN There is a similarity. To the eyes they look identical. The interior brick on the garage and the brick that's used for the foundation looked to be very

similar, perhaps identical. The exterior brick on the garage is at least two bricks thick.

DRZYSGULA The house is older than the garage.

ARKIN The exterior brick is quite different and was manufactured with different techniques and was also the mortar technique was a little different. It's just. It's a very interesting structure. Anything else anybody wants to add? Okay. Do we have a motion then to accept the proffer of the applicant and hold the record open until next meeting? Is that what the form should be? Hold the record open indefinitely I guess.

DRZYSGULA I move that in accordance with the agreement of the applicant for Historic Area Work Permit 99 that the record be kept open to allow the potential purchaser to research his options and that the original 45 day deadline for action on the application be extended until the June 19th HDC meeting.

ARKIN Very well said. Is there a second?

CORATOLA I second.

ARKIN Okay. It's been moved and seconded to accept the proffer of the applicant and hold the record open until the June 19th HDC meeting and extend the deadline. I think I would have misstated that correctly. Those in favor please say aye.

ALL MEMBERS Aye.

ARKIN Opposed? Chair votes aye and the motion carries and I guess we'll see you next month with a solution that works for everyone.

PATULA Yeah. We'll be in touch and you know meet with you and Ollie and

ARKIN And thank you very much for your willingness to work with us and with the City staff and with the community to make this the best possible solution.

Mrs. Elizabeth Johnson, 104 Chestnut Street, immediately went to the applicant's home when she heard chainsaws and said that she believed Ms. Dolan innocently removed the trees. She added that Care of Trees was the contractor and because they are knowledgeable about the City's regulations, should have notified the applicant that a permit was required.

Member Cathy Drzyzgula visited the site and noted that the trees are of a type that they have approved in the past, to be removed and she therefore did not have a problem with the permit approval. Member Joe Coratola said that the trees did not seem to be on the tree inventory but did appear in the photographs to be in poor condition. Member Ronda Bernstein said that in her opinion three trees were on the tree inventory and she also suggested that three replacement trees be recommended as a condition of approval. Members Drzyzgula and Coratola agreed that there currently were a substantial amount of trees on the property and that the approval should not require replacement trees as the lot is quite shady. Ms. Dolan responded that she planned to plant three to five evergreen trees at the rear of the property to provide a border between her property and the fairgrounds.

There was no other testimony presented in favor of or in opposition to the application.

Motion was made by Member Drzyzgula, seconded by Member Coratola, that HAWP-98 (retroactive) be recommended for approval finding it in compliance with Secretary of Interior Standards #1 which states a property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment. The finding is that it is a minimal change to the environment and that the application meets the Chestnut/Meem Historic District Guidelines.

VOTE: 4-1 (Opposed: Bernstein)

[NOTE: Ms. Bernstein did not oppose the application, rather that the replacement trees was not being required as part of the approval.]

2. HAWP-99 Applicant: Vladimir Gomez
10 Brookes Avenue
Request: Demolition of garage

DRAFT

Planner Jacqueline Marsh stated that the public hearing was advertised in the April 26, 2006, issue of the *Gaithersburg Gazette*, the property posted, and 20 exhibits were in the record file. The property is a contributing resource to the Brookes/Russell/Walker Historic District. At the April 6, 2006, HPAC meeting, during which a preliminary consultation was held on this application, additional research was requested regarding the date of the garage.

Mr. Paul Katrivanos, realtor, 3300 Olney-Sandy Spring Road, Olney, introduced Mr. Al Riley, contract purchaser, and Mr. Vladimir Gomez, the current property owner.

Mr. Al Riley, contract purchaser, said an obstacle in developing the property from residential to business is the issue of parking and access to parking which is due to the location of the garage.

Possible solutions include moving the garage back, which would be cost prohibitive, applying for a variance on the turning radius, or adding a curb cut to the other side of the house.

Chairperson Arkin stated that several HPAC members along with staff visited the site on May 2, 2006. He pointed out the unusual detailing of the accordion doors and the interior detailing of the inside of the roof and overhands and of the attic. He asked Mr. Riley if he had considered applying for a waiver of the turning radius to which Mr. Riley said that he had spoken with Mr. Ollie Mumpower who said that the turning radius was inadequate and he would advise any committee not to allow a variance. Mr. Arkin suggested the applicant consider contacting adjacent property owner Rodney Thompson to discuss a possible shared driveway. Planner Patricia Patula also said that she had recently spoken with Mr. Mumpower who said that if an engineer could show that the turn is safe, he might consider supporting a waiver.

Mr. Vladimir Gomez, applicant, said that he filed the application for Mr. Riley. He suggested that the other side of the house be considered as a driveway entrance.

Ms. Peggy Murray, 4 Walker Avenue, urged the Committee to take under strong consideration the application as many people admire the garage for its structure, beauty and age and because it is part of the historic district. Her preference would be for the applicant to work with the adjoining neighbor for a shared driveway so as not to encroach on the residential neighborhood.

Mr. Robert Stalker, 11 Brookes Avenue, said he would not want the driveway on the other side of the house as it would affect the traffic flow and safety in the neighborhood.

Mr. Warren Johnson 104 Chestnut Street, said that if the Committee was not able to find that the structure is not historically significant then they are obligated to recommend denial of the permit.

Ms. Judy Christensen, 6 Walker Avenue, said that when the R-B (Residential Buffer) Zone was created, it was intended to be a buffer between commercial and residential properties and that the property owner would usually reside in the house and use it for commercial use such as a home/office. Ms. Patula added that the Ordinance, as currently written, does not require the residential portion. In response to Chairperson Arkin, Ms. Christensen said that the garage appeared on the Sanborn map in 1949 but could have been built earlier as there were no available building permits in historical record. She said the significance of the garage is that it was built to be a companion to the house in style and quality. As a solution to not removing the garage, Ms. Christensen suggested exploration of a public alleyway for access to the property.

Mr. Riley ensured everyone that his intention was to keep the garage as it does add to the character of the property. He will explore other options including contacting Mr. Thompson for a shared access and applying for a waiver. Ms. Marsh suggested that Mr. Riley hire an engineer to determine if there is sufficient space for a vehicle to maneuver into the parking lot.

Member Bernstein suggested a curb cut on the other side of the house for driveway access and to return the original driveway into green space.

Chairperson Arkin inquired if Mr. Riley would agree to a deadline extension of the application to which he deferred to the property owner, Mr. Gomez, who agreed to extend the deadline to June 19, 2006, Historic District Commission (HDC) to allow for other avenues to be explored.

There was no other testimony presented in favor of or in opposition to the application.

Motion was made by Member Drzyzgula, seconded by Member Coratola, that the record on HAWP 99 be kept open to allow the contract purchaser to research his options and that the original 45 day deadline for action on the application be extended until the June, 19, 2006, Historic District Commission meeting.

VOTE: 5-0

III. RECOMMENDATION TO THE HISTORIC DISTRICT COMMISSION

Applicant: Brian Cameron
13 Park Avenue
Demolition of Main Structure

Member Coratola recused himself from the application due to the applicant currently working with him on a project.

Ms. Patula said that the applicant is requesting to demolish the structure and that members of HPAC and staff toured the site on May 2, 2006. She stated the goal of the HPAC will be to make a recommendation to the Historic District Commission for historical significance.

Mrs. Judith Christensen, historian and Senior Preservation Planner with the City of Rockville, provided background information on the property stating the home was constructed in 1939 and built by William McBain, a former Gaithersburg mayor. It was then sold to Joseph and Sally Boland who resided there until the mid-1960s. It remained in the Boland family until 2001. It is part of the streetscape on Park Avenue and a contributing street in the Olde Towne Business District.

Mr. Brian Cameron, applicant, has proposed to remove the structure and then apply to design and construct a new building to be more conducive to his type of business. He would not demolish the building until he has approval of a new design of the replacement building which would be between 9,000 to 12,000 square feet of space. In response to whether he had considered an addition, Mr. Cameron said that the structure has some structural problems, leaking in the basement, and it would not be financially advantageous to repair. He added that it does not meet any of the requirements of a historically significant structure and the criteria for historic designation as it is not an outstanding example of any particular style of home.

Member Drzyzgula did not find the building significant or distinguishable from others like it in the City. Member Bernstein said that the only significance is that it was one of the last homes constructed as part of the development on the street. Chairperson Arkin said that the building is attractive but not extraordinary, and it appears to have been altered over the years. Therefore, he would not be in support of historic designation.

From: Ollie Mumpower
To: tjtarchitects@verizon.net
Date: 05/18/2006 5:43:56 PM
Subject: Re: 10 brooks avenue

Tom: We have seen a similar plan before. Unfortunately the driveway is not wide enough for two way traffic and the layout of the parking lot prohibits vehicles in the lot from seeing if traffic is using the driveway. Also I do not think larger vehicles could get back to the rear to even build the lot. I believe Jackie Marsh and Pat Patula and HPAC have given the contractor a couple other alternatives he should consider

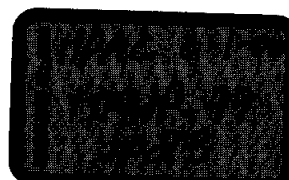
Taltavull" <tjtarchitects@verizon.net> 05/18/06 3:38 PM >>>
Hello Ollie,

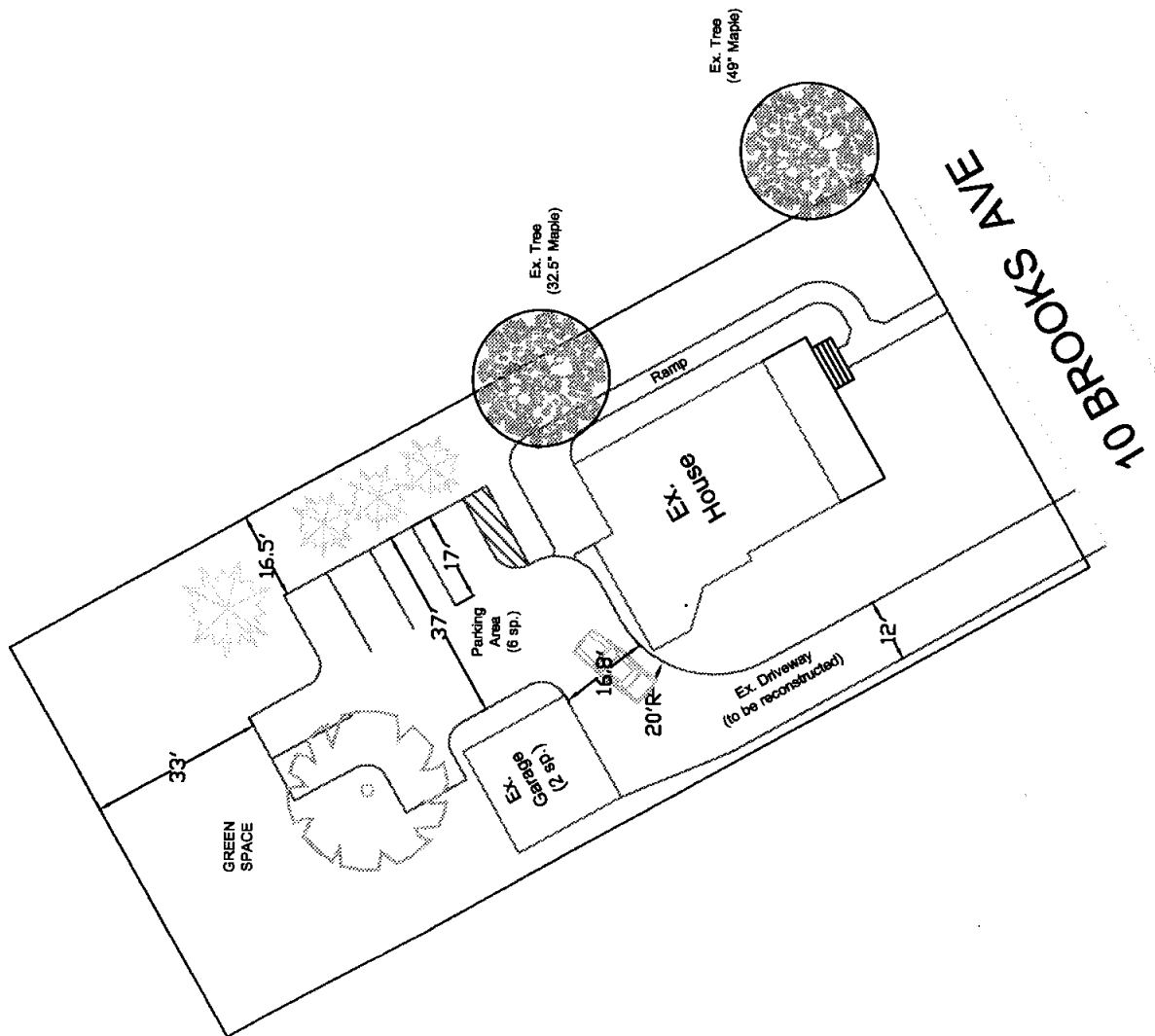
Attached is concept site drawing for 10 Brooks Ave., the contract purchaser is trying to determine the feasibility of converting the existing house to an professional office. Please review the attached concept plan and comment. Thank you for your input.

Tom Taltavull

Ollie K. Mumpower
Engineering Services Director
Department of Public Works, Parks Maintenance and Engineering
800 Rabbitt Road
Gaithersburg, Maryland 20878-1600
301-258-6370 Ext. 106
301-258-6375 FAX
301-258-6430 TTY
omumpower@gaithersburgmd.gov
www.gaithersburgmd.gov

CC: JMarsh@gaithersburgmd.gov





From: Ollie Mumpower
To: tjtarchitects@verizon.net
Date: 05/19/2006 10:24:36 AM
Subject: Re: 10 brooks avenue

To follow up on the comments I sent you yesterday for the design you emailed me to work it would need the following :

min driveway width	- 15 feet - this would allow to cars to squeeze by each other
minimum curb radius	- 28 feet- this would allow a SU truck to access the site
outside radius	- 44 feet -to account for the SUV front overhang
drive aisle width	- 26 feet

Ollie K. Mumpower
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CC: Jacqueline Marsh; Jim Arnoult; Patricia Patula

May 25, 2006

Report on the Garage accessory structure

10 Brookes Ave.
Gaithersburg, MD.

The garage is a great example of an early 1930's accessory structure in its styling and construction.

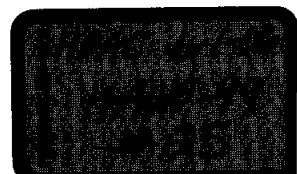
The structure is a two-car garage with an attic level that is accessed by a flight of stair located at the rear of the structure. The interior is split into two bays by a demising partition with bead board paneling running down the middle of the garage.

Exterior walls are constructed of solid masonry construction (standard modular brick in a running bond pattern) which matches the masonry on the main house.

The roof structure is constructed of wood rafters of a true two inches by eight inches dimension spaced at sixteen inches on center. Floor joist are of the same wood type and dimension as the roof rafters. The floor and roof sheathing is one by six boards attached to the. The eaves are an open soffit with exposed rafter tails. Half round gutters are attached to the fascia board and appear to match the existing house. All fenestration appear to be original to the structure.

The windows are true divided lite mullions of a six over six pattern and individual single pane glazing. These units appear to have multiple layers of paint on them. There are two, three paneled garage doors with glazing in the top one third panels located on the front of the garage. These doors are side hinged swing open doors with a style and rail type of construction of solid wood. These doors also have multiple layers of paint on them.

Based on these observations the garage appears to be built around the same time frame as the main house.



3. Applicant: Al Riley
10 Brookes Avenue
Conversion from residence to office; addition of parking lot

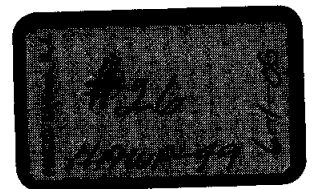
Planner Jacqueline Marsh provided an aerial view of the property which was built in approximately 1920 and is located in the RB (Residential Buffer) Zone. She said that Ollie Mumpower, City Engineering Services Director, has reviewed the site plan and determined that the turning radius between the house and garage would not work for the additional proposed parking spaces to the rear. She noted that the garage does not appear to be that old but information could not be located to pinpoint its age.

Mr. Al Riley, applicant, placed a contract on the house and has received a 90-day feasibility study for the possible use of an office for the property. He said there is not sufficient space for the turning radius to meet the seven parking space requirements established by City Code. He believed two options: either demolish or relocate the garage, the latter being cost prohibitive. The existing tree within the turning radius will be relocated to another location at the rear of the lot.

Member Joe Coratola inquired if a structural engineer had looked at the floors to determine if they meet the building code for floor load support for a business. Mr. Riley said that he had not, but would have someone review the structure and ensure the floor load is sufficient. Member Drzyzgula said that she is open to changes, but would prefer further research to determine the age of the structure, garage, and addition before she makes that decision. She suggested that the Sanborn Map or possible tax records be used to determine the age of the garage. Member Coratola also suggested that, depending on the age of the rear addition, the applicant could possibly reduce the corner of the addition to allow for the sufficient turning radius. It was recommended to Mr. Riley that he contact Mr. Bryan Blundell, preservationist, for assistance in determining the age of the garage and addition.

II. COURTESY REVIEW

Applicant: Michael Bucheimer
116 James Street
New Garage



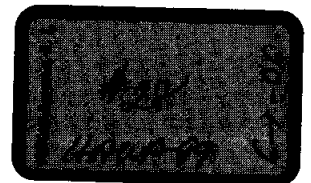
Planner Patula reminded members that the applicant appeared before HPAC a year ago with a previous design for his property which is located within Observatory Heights. With suggestions from HPAC, he has re-worked the plans and submitted a formal application to the Planning Commission with a slightly larger garage that is bigger than can be granted by right.

Mr. Michael Bucheimer, applicant, said that the garage will be located in the rear yard and will be used for a workshop and for storage with pull-down interior steps. He said that the garage is one foot, six inches higher and two feet wider than originally proposed.

Chairperson Arkin noted that the scale of the new garage is more in keeping with the house and neighborhood but would like to see additional windows on the two blank facades. Mr. Bucheimer explained that the right side faces a fence providing an opportunity for break-ins and also that his

TRANSCRIPT OF THE
JUNE 1, 2006
HISTORIC PRESERVATION ADVISORY COMMITTEE
MEETING
FOR PUBLIC HEARING
ON
HAWP-99 (continued)
10 Brookes Avenue
Demolition of Garage
Applicant: Vladimir Gomez

Transcribed by
Karen J. Jordan



PARTICIPANTS

HISTORIC PRESERVATION ADVISORY COMMITTEE

Chairperson Richard Arkin

HPAC Members:

Cathy Drzyzgula
Joe Coratola
Ronda Bernstein
Warren Johnson

STAFF

Patricia Patula, Planner
Jacqueline Marsh, Planner

OTHER SPEAKERS

Elizabeth Johnson, 104 Chestnut Street
Ed Richley, 14 Walker Avenue
Mary Jo LaFrance, 105 Chestnut Street
Peggy Murray, 4 Walker Avenue

CHAIRPERSON RICHARD ARKIN First item on the agenda is a continuation of Historic Area Work Permit 99. The applicant was Vladimir Gomez. This is an application for demolition of a garage at 10 Brookes Avenue and there have been some additions to the record since the last meeting. Would you like to introduce this Jackie?

PLANNER JACQUELINE MARSH Well you pretty much summed it up. It's a continuation from last month. We added the, a couple of exhibits from the end and the applicant, or Mr. Riley, the person of interest for this application has indicated that he had nothing more else to add. That the emails from Mr. Mumpower over at DPW that pretty much explained his position on the turning radius. That issue. Also, he talked about how Pat and I had made other suggestions to the applicant and some of that just isn't feasible for building a parking lot in the back. And as far as having another curb cut on the other side, staff wouldn't be in favor of that and would not recommend that. So, that's really how it stands right now.

ARKIN Well I have a question and I guess it focuses on the memorandum of May 19, 2006, from Ollie Mumpower of the Division of Public Works.

MARSH Okay.

ARKIN And he states, "to follow-up on the comments I sent you yesterday for the design you emailed me to work it would need the following." And then he lists minimum driveway widths, minimum curb radius, outside radius, drive aisle width.

MARSH Um hum.

ARKIN But there is no statement as to whether or not this would be possible.

MARSH What he's referring to is the plan that the engineer, Mr., or Tom Taltavull, that he sent over; those are the requirements that would need to be demonstrated on that plan that Ollie would be comfortable with. So he's saying if you can show me all of this, then I would be okay with it.

ARKIN Okay.

MARSH And it just looks like that can't happen.

MEMBER CATHY DRZYSGULA And there's a plan on the page right before which shows

MARSH Yeah.

DRZYSGULA different, smaller dimensions.

MEMBER JOE CORATOLA Now, was this just an email sent or was there an actual meeting?

MARSH No. There was no meeting.

MEMBER RONDA BERNSTEIN So basically, he's not willing to consider any variance or anything necessary to keep us from having to demolish the building.

MARSH Um.

BERNSTEIN I mean, there's no

MARSH No.

BERNSTEIN There's nothing he's willing to do, to do that.

MARSH No. It's the, you know, Ollie's standpoint is, it's a matter of public safety, you know. He does, I shouldn't say variance. That's not really the right word but he does grant waivers sometimes for certain drive outlets and he's saying that this, all of the minimum that needs to be met and the way he looks at it is, if it can't even meet the bare minimum, then it's not gonna work.

DRZYSGULA And these minimums are giving more allowance then what you might standardly expect.

MARSH Right.

DRZYSGULA Right?

MARSH Right.

DRZYSGULA So he is being flexible but he can only

MARSH Yeah, I

DRZYSGULA I think

MARSH Yeah, but if he thinks. I mean, one of his big points was, you know, we could grant the turning radius waiver or, you know the width but then how would cement trucks even get in the back. Or, you know, he thought about that and then also I forgot to mention, Mr. Riley did speak with Mr. Thompson at 8 Brookes Avenue and Mr. Thompson was not willing to grant an easement so at this point all the, all the options are exhausted.

DRZYSGULA For using this building with this plan.

MARSH Yes.

ARKIN The uh, Mr. Mumpower was unwilling to consider any plan that would allow sequential traffic movement rather than concurrent traffic movement?

MARSH What do you mean by that?

DRZYSGULA He means one car at a time.

ARKIN One car at a time.

DRZYSGULA I think this was, was, well Jackie can answer.

MARSH I don't think it had to do with traffic timing as much as meeting the width and radius standards.

CORATOLA If you look at his first comment. Minimum driveway width is 15 feet so that immediately throws the existing driveway out of the requirement.

ARKIN This would allow cars to squeeze by each other?

CORATOLA Right.

DRZYSGULA But I think the big constraint. I mean cause they could make the driveway wider. There's room on the lot. That's not something to make this project infeasible.

CORATOLA No. Right. I'm just pointing a fact.

DRZYSGULA I'm just saying. I'm telling Richard that although he lists all these things, they're not all things that couldn't be done.

CORATOLA Right.

DRZYSGULA I think the big squeeze point and bottleneck is that turning radius on the curve and a big part of that is for visibility. And it doesn't matter whether there's one car there or not. I mean. Well obviously if there's only one car ever there, you wouldn't need to see but, that's only a hypothetical condition.

PLANNER PATRICIA PATULA Now, in the olde towne area we've had several houses converted to offices and they had 10 foot wide driveway aisles, driveways. And they were allowed to keep that, but their situation was different. It was a straight in, past the house into the parking area in the back. There weren't any accessory buildings to deal with. But we have at least two that I can think of that retained the 10-foot drive aisle because there was no room to make it wider.

DRZYSGULA Is it at East Diamond, I think. Right for the dentist office.

PATULA The dentist office and ProClean DryChem, something like that.

DRZYSGULA Or something like that.

MEMBER WARREN JOHNSON Mister Chairman. Before I participate in this discussion, I should obviously say that I was not a member of the committee at the initial

hearing. I was present at the initial hearing in the audience and I have studied the record of the original hearing. I leave it to your discretion as to whether or not I should participate in this deliberation.

ARKIN When you were present. So you heard everything and you have looked at the record. Does anybody have an objection?

ALL MEMBERS No.

ARKIN Does the applicant have an objection to

CORATOLA Any applicant's here?

DRZYSGULA I don't think the applicant's here.

ARKIN The applicant's not here?

(Inaudible)

ARKIN I didn't see that familiar face.

CORATOLA Why are we discussing it if the applicant's not here?

PATULA Is Mr. Riley here?

BERNSTEIN Is anyone representing this?

ARKIN Okay. Well I see no problem and nobody else was

BERNSTEIN You were here for both of them. Then we had this twice? This is the third one? No?

JOHNSON No. I was only here for. When this one was discussed I was not here for the courtesy review, I was here for the previous meeting. And I guess probably what I would say is that this committee may want to focus more of it's attention on whether or not the structure is a historic resource that should be preserved rather than trying to develop alternates that would. And I recognize that that is a factor in our deliberation. But there doesn't appear to be an alternate to.

DRZYSGULA But the site is already designated. So the question of the historicness of the building is minimal. Only because the site

CORATOLA It's already designated.

DRZYSGULA because the whole property is designated.

JOHNSON So that the question then is, do we permit the demolition of this historic

CORATOLA Exactly.

JOHNSON For the convenience of the owner and I think probably an important factor in this is the fact that whether or not this structure is demolished, the site can continue to be used for its' present purpose. Is that not true?

ARKIN As a residential site.

JOHNSON Yes.

CORATOLA Well it can be used as an owner-occupied business as well.

MARSH Mr. Riley has told me that if the committee doesn't approve the HAWP, that he has no plans to pursue it further. Like he wouldn't request an HDC public hearing.

PATULA But the HDC might choose to do that anyway.

JOHNSON They may?

MARSH They could.

PATULA They could.

CORATOLA Did the applicant run numbers to see whether moving the structure versus demolishing would be cost effective?

BERNSTEIN He didn't want to move it.

DRZYSGULA I don't think he was interested

BERNSTEIN He wasn't interested in moving it.

MARSH He didn't think that it was cost prohibitive to either move the garage or take off the other part of the house that was a suggestion I think two months ago.

DRZYSGULA No. When you said he thinks it was cost prohibitive or he didn't?

MARSH It wasn't cost prohibitive.

BERNSTEIN I thought he said it was.

DRZYSGULA You mean, he wanted, he thought it was feasible?

MARSH No.

DRZYSGULA So it was cost prohibitive. That means it cost too much.

MARSH Yeah. Right. I know.

(LAUGHTER)

DRZYSGULA Okay.

MARSH I'm so smart.

DRZYZGULA I would just say that often without an applicant here we don't take action, but given that we gave an extension last month and the extension expires on May 19th, I think we should take action on it just so that we have

CORATOLA There's a record.

PATULA You have to or it's automatically approved.

DRZYZGULA Right.

ARKIN I think we have an obligation to take action. I, although my analysis is a little bit different from Mr. Johnson's, I reached the same end. It is a designated historic resource. I think it's my opinion and the opinion of at least those who were with me but, this was a valuable part of that designation. And I am also not convinced that there are not feasible alternatives, I just don't see any particular energy being directed to see what alternatives might be possible for a re-use. But I see that there's nothing in the record that would support demolition of this frankly other than convenience or financial gain for the applicant.

CORATOLA I agree. I mean, I've spent a fair amount of time between visiting the site and studying photographs and studying some of the components of the building and this garage is, you know, if it wasn't built at the same time as the house it was built shortly after the house was constructed. It has all the original materials. The original doors, the original windows, the roof structure, the masonry. I mean it matches the house piece-by-piece and I see no reason why this should be torn down.

JOHNSON Furthermore and in addition to that, Judy Christensen at the last meeting, made a very persuasive argument for the dating of the house if I remember correctly. And I think it would be appropriate to make certain that her credentials are placed in the record for this HAWP since she did, since she did testify at a subsequent meeting, or a subsequent hearing, at the same meeting. I don't know if that's possible to do but I think it would be appropriate.

CORATOLA I think it is in the record.

JOHNSON Is it in the record?

CORATOLA Yeah.

JOHNSON It's in the record I know of the next hearing, but I'm not sure it's on the record for this HAWP.

MARSH She spoke about this one in the RB Zone.

CORATOLA Right.

BERNSTEIN She spoke on this one.

DRZYSGULA I think he's indicating he wants to make sure that the record for this application reflects her credentials

JOHNSON Right.

DRZYSGULA even though it's in the minutes but it might for another

PATULA We could add her resume.

CORATOLA Yep. Exactly.

DRZYSGULA I mean, I guess. I agree with everyone else and I also wanted to say that I think that the garage is very important to the site and as part of its environment many of the houses on Brookes and Walker do not have garages and for this house to have such a substantial well-built garage demonstrates something about the people who live there and the way they lived. And removing the garage would change the character of the property as a whole. The garage clearly states its' residential character right now. I think it would be permissible to use it as a business without destroying the residential character but I think something that removes that is a substantial change to the site.

ARKIN The. Ms. Christensen was speaking as a member of the public so that should be clear but she does have unique qualifications. And it seems to me to be appropriate to attach a resume too, if that's what the committee wants to do. The record is still open on this so there's an opportunity for any member of the public to speak and before we

CORATOLA Before we go into that, I'd like to add one other, mention one more item. That if this does. If the applicant decides to work with this plan and keep the garage or if some future business wishes to do that, I would like to suggest that a meeting be held between HPAC member, or members, staff and Department of Public Works to sort of work through a problem, work through a solution, rather than in just, you know, stating facts and not sort of working through the issue.

DRZYSGULA You mean without having as much open communication as a meeting would allow?

CORATOLA Exactly.

DRZYSGULA Okay.

ARKIN Okay. This is the time for people from the public then to be heard from. And does anybody present who wishes to testify in favor of, against, or has any comment on the application, this would be the time to speak. Yes.

MRS. ELIZABETH JOHNSON Elizabeth Johnson, 104 Chestnut Street. I was here for the courtesy review on this in April and again in May and have, went by and looked at the site in May and again this week. There was a couple things that I noted as Jackie mentioned that options were exhausted. Ms. Christensen had mentioned last month that there is a designated alleyway going behind that property that goes through the parking lot for the strip mall there that was a potential access and I didn't here Jackie say that that resource was exhausted. When I drove back there it certainly appears that the rear of that parking lot is little or never used. So that was one point that I wanted to make. And the second one was that Ms. Christensen had referred to the Sanborn map of 1937. And if indeed that garage is on that, I'd like to see that as part of the record as well. I would encourage this committee to vote for preservation for that garage and against demolition. Thank you.

ARKIN Thank you Mrs. Johnson. Does staff have a comment on the alleyway? Was that, did anyone look into that?

MARSH No, the applicant didn't

ARKIN So we don't know what the status is.

DRZYZGULA Well there isn't an alleyway that directly accesses this property. There's an alley next to number 8.

ARKIN It doesn't go as far back as number 10? Or it doesn't

DRZYZGULA This is number 8 and this is number 10. The alleyway goes this way.

ARKIN Okay.

DRZYZGULA And then there is a commercial parking lot behind this lot.

BERNSTEIN She seems to think there's one in the back. Not the one that we were looking at.

DRZYZGULA Well there is. I mean there's a commercial parking lot which is, belongs to the shopping center next to Grace Church. It used to be a Safeway for people who have lived here a long time. And their parking lot abuts the rear of this property.

ARKIN But there was, there's nothing in the record that would indicate whether that was explored or not as a potential

DRZYZGULA No, I don't know. I'm just saying that, but there is not an alley that provides access to this property.

JOHNSON I understand it was on the plat but not in use.

BERNSTEIN That's how I understood it too. That there's a couple

DRZYZGULA Well I looked at the plat. I didn't see any alley that way. There's an alley behind Mattress Discounters.

ARKIN There was another. Yes. Another had raised.

MR. ED RICHLEY I'm Ed Richley. I live at 14 Walker, the next street over. I really want to see that garage preserved. It's a really good example of a brick; it looks like it's a 1930's garage, two car garage. And it just seems that if somebody's going to run their business from home in a residential area like that they should make it look like it's still a residential property. I think I'd really, really. I'd hate to see our historic character being eroded slowly by things like that. I think once that happens then what's next and I've seen some of the plans for downtown and it makes me kind of concerned that we're going to lose some of the traditional character of the olde towne area so I'd really like to just voice my opinion that I think it should be preserved.

ARKIN Okay. Thank you very much.

KAREN JORDAN Can I have your last name please?

RICHLEY R I C H L E Y.

ARKIN Is there anybody else who wishes to be heard from?

MS. MARY JO LAFRANCE Hello. Mary Jo LaFrance, 105 Chestnut Street. I also have been by the property and looked at the garage and I guess what I'm thinking is I personally live in a neighborhood where commercial encroachment is squeezing us. And this is clearly a neighborhood with homes where people live and I can't see how any of those neighbors would wish or tolerate cement trucks clanging and banging throughout their neighborhood and all the extra traffic that that would bring. If this building is to be used as commercial property, I would ask that you consider a passive commercial use. One that would not infringe on the rights and the peace of the neighbors that live there. And also, obviously to save the garage. I don't believe

that big trucks coming in and out and destroying this garage improves our City one bit. So thank you.

ARKIN Thank you for testifying. Anybody else? Please.

MRS. PEGGY MURRAY I'm Peggy Murray, 4 Walker Avenue. My testimony from last time is in the record but I just want to say that this speaks to sort of a larger problem in terms of people purchasing homes in the neighborhood, in the historic district. There should be some stipulations and guidelines for new purchasers or people who are thinking about purchasing. Because it happens both in the residential part and this is, I guess, residential buffer and there's a lot of, you know, realtors who are sometimes unscrupulous about what, you know, what the guidelines are and what the purpose of the property is and what can and can't be done in a historic district. And I think that there should be some written or some website or something where the information is available for. And it's important that it be given to all perspective buyers because my feeling is that I don't. The deal hadn't been closed on this, this real estate deal. So it's taking up a lot of time and resources to go through this decision when if the purchaser had known some of this stuff ahead of time it wouldn't have, you know, something about the guidelines and the purpose of the historic district, it may not have gone this far. So I'm just proposing that as a sort of a bigger picture issue in terms of the HPAC and somehow that realtors have to convey information to perspective buyers.

ARKIN Thank you very much for your comments. Anyone else? Okay.
Further discussion then from the Committee.

DRZYZGULA I think Peggy's comments are a good point. I know we have tried to see if we could have a class for realtors or something like or something maybe we should continue to look into in the future.

BERNSTEIN Well, aren't they obligated by law to tell perspective buyers they are in the historic district and that they're suppose have copies of the historic guidelines? I mean they exist. The guidelines exist and

CORATOLA They are required by law to tell

DRZYZGULA I'm not sure they're required to give them a copy. I think they're required to tell them when they are in a historic district but I don't know if it goes beyond that.

BERNSTEIN Or at least tell them that it's available at City Hall for them to get a copy of or. I mean it's sort of like when you move into a community with a homeowner's association.

DRZYSGULA Yeah. But I think the requirements are quite minimal and it's easy for them to be ignored.

PATULA You know, the Montgomery County lease, not lease, the Board of Realtors contract. There's a new section in there, it came out about two years ago that says that is this site, you know, a historic district. Yes or no. And to call this certain number for further information, which is the County number. But even if they called the County they would, you know, refer them to us.

ARKIN But the problem with all of that is that in a transaction you are showered with papers and told sign this, sign that, sign the other, and although people are deemed to have read and understood everything, often they don't. I did think that one useful thing. One of the useful things to draw out of the comments that we just heard were about the usefulness of the website and I think that's something that we have kicked around in our work plan and maybe we should kick around a little harder and see if we could have through the City a greater presence on the web. Any other discussion?

BERNSTEIN I just wanted to clarify the map that Mrs. Johnson was referring to. Apparently it was a 1949 map. That's what it has in our minutes.

MRS. JOHNSON No ma'am.

BERNSTEIN The Sanborn map that Judy Christensen referred to.

MRS. JOHNSON She referred to both a 49 and a 37 Sanborn map, I believe.

DRZYSGULA It must be 1930, there is no 37.

BERNSTEIN Okay. If she did, then that's not in our minutes so. Only one is listed in our minutes. That's what

INAUDIBLE Possibly in the transcript.

ARKIN (Inaudible – too many people speaking).

BERNSTEIN It should be in our minutes then. I'm not saying you're wrong, I'm just saying then that we need to add that if she did refer to that.

ARKIN Okay. We have. Pat.

PATULA I would like to just point out a couple things from the Ordinance. Under here for criteria for decision. It says "the Historic District Commission in evaluating an application for historic area work permit shall consider and render its decision based on the following factors." And there are a whole bunch of them. And then the one that I thought was of interest here. It says "where the Historic District Commission deems a structure to be of unusual historic importance, it shall prior to denial of a historic area work permit attempt with the owner to formulate an economically feasible plan for its preservation. If no economically feasible plan can be formulated the Commission shall have 90-days from the time it concludes that no economically feasible plan can be formulated to negotiate with the owner and other parties in an effort to find the means of preserving the structure. The 90-day negotiating period may be extended only by mutual consent of all parties." Now that's one thing. And then the other one.

ARKIN Where were you reading from?

PATULA I was reading from Section 24-228.2(c). For those of you who happen to have an Ordinance. Now the next one is a little shorter and it's the same section 231.1 with a moratorium on demolition. "Where the Historic District Commission determines that any site, group of sites, structure, has been designated a historic site it may direct the City Manager to withhold issuance of any permit to demolish", etc., etc. "The City Manager shall withhold that for a maximum of six months from the date of the direction of the Commission." If you send this onto the HDC you could even suggest if you want that they consider doing something like that.

ARKIN Well that would be up to. We're bound by them by tonight.

PATULA Oh yeah. Right. You need to send your recommendation tonight.

DRZYZGULA One other thing I'll add that's sort of relevant to that is although I clearly don't believe there's an alley that provides access, I think there is still a possibility of accessing the lot from that commercial parking lot and that hasn't been explored. That's another possibility.

CORATOLA Correct. I don't think that there was a lot of exploration beyond the site.

DRZYZGULA There was only one plan proposed and that was (inaudible).

CORATOLA Yeah, I think that was it.

JOHNSON I personally think it's clear that there are several viable options available to this applicant if he should choose to avail himself on them, other than

SEVERAL PEOPLE (INAUDIBLE)

ARKIN Okay. If we have reached the end of our discussions do we have a motion to close the record?

CORATOLA I make a motion to close the record on HAWP 99.

ARKIN Is there a second?

BERNSTEIN Second.

ARKIN It's been moved and seconded to close the record on this work permit. Those in favor, please say aye.

ALL MEMBERS Aye.

ARKIN Those opposed? Chair votes aye and that motion carries. Then is there a motion on the application and the motion should state, I think the rationale and any suggestions or recommendations that we may want to pass onto the Historic District Commission also.

DRZYSGULA I move that we recommend Historic Area Work Permit 99 for denial finding that the application is not in compliance with the Secretary of Interior Standards in the following ways. Standard Number One says that a property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment. I find that removing the garage in order to build an 8-space parking lot is a major change to the defining characteristics of this site and obviously destroying the garage building. The historic character of property, this is Number Two, shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided. Removing the garage again violates the historic character and involves removal of a substantial amount of materials and features and. Number Five. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved. This garage is quite distinctive in its' high level of finish and construction. It is finely crafted. That's probably it.

ARKIN Okay. Is there, do you wish to make this part of the, any recommendations to the Historic District Commission regarding demolition?

DRZYSGULA Make what part?

ARKIN As part of your motion.

DRZYSGULA I'm confused by what your question is. I'm sorry.

ARKIN Well

DRZYSGULA Make what part of my motion?

ARKIN Do you want to add to your motion any recommendations?

JOHNSON Could we do that by. Could we do that separately? That might be clearer.

DRZYSGULA Are you talking about?

BERNSTEIN I second the motion then.

ARKIN Okay. Is there a discussion on the motion?

JOHNSON Well I agree with you. I think we might want to consider a separate item giving our recommendation to the HDC that they work with the applicant if he desires to come up with some alternates to demolition of the property.

ARKIN Okay. Further discussion? Seeing none, the Chair will call a question. Those in favor please say aye.

ALL MEMBERS Aye.

ARKIN Opposed? Chair votes aye.

DRZYSGULA Did someone second it?

ALL MEMBERS Yes.

DRZYSGULA Okay. I didn't hear that.

ARKIN The motion carries. And you had another motion then you wanted to make?

JOHNSON Well, I

ARKIN On the same subject.

JOHNSON On the same subject with respect to HAP 99, I would make a motion that the Historic Area Preservation Committee recommend to the HDC that if the applicant is desirous of continuing to develop this site, that they work with them to develop economic and viable alternatives to the demolition of the structure.

ARKIN Do you want to make specific reference to the two sections that Ms. Patula pointed out to us? You would have to give us the section numbers.

JOHNSON That would be Section Number 24.228.2(c) and

PATULA 231.1

JOHNSON 231.9. Thank you Pat.

PATULA Point 1.

ARKIN Point 1.

JOHNSON Point 1.

ARKIN And they are then for an attempt to find alternate approaches or economically viable uses.

DRZYSGULA Well actually, sorry

ARKIN That's okay.

DRZYSGULA The 231.1 is about a site that's being considered for designation.

PATULA No. If you read on it's also

DRZYSGULA Oh. Has been so designated. Okay. Sorry.

ARKIN And that would, we could also recommend a moratorium on any demolition.

DRZYSGULA Right.

ARKIN Okay. Is that clear to everybody then, what we're discussing? Okay. Is there a second to the motion?

CORATOLA I second.

ARKIN Discussion to the motion? Then the Chair will call the question. All those in favor please say aye?

ALL MEMBERS Aye.

ARKIN Those opposed? Chair votes aye and the motion carries unanimously. Thank you. I certainly wish the applicant had been present to discuss these options but I guess there will be another opportunity for that.

APPENDIX I : RESUMES

Curriculum Vitae
Judith A. Christensen

6 Walker Avenue
Gaithersburg, Maryland 20877
Telephone (301) 926-2650
fax (301) 926-2408

Architectural Historian/ Preservation Planner

Experienced architectural historian and preservation planner for municipal and county governments, historical/preservation groups. As a contractor, has surveyed and written historic sites surveys and evaluations for over 400 historical sites in Maryland and Virginia. Author of local history newspaper articles and other publications. Computer literate in word processing, desktop publishing, database files.

1987-Present:

ArchHistory - a sole proprietor contractor in historic preservation and planning, local and architectural history, legal minutes and transcription, specialty in planning and zoning

Recent projects:

Historical documentation of Chestnut Lodge and Rose Hill for the City of Rockville, MD.
1997 (with Ward Bucher and Paula Bienenfeld)

6 East Diamond Avenue, for City of Gaithersburg, MD. (with Gail Littlefield)

Survey and recommendations of Montgomery County Historic Atlas Site #11/14
(Gartrell/ E. Brooke Lee Farm, Damascus, MD.) 1995

Survey and recommendations for Montgomery County Historic Atlas Site #15/55
(Spencer/ Carr Farm, Spencerville Maryland) 1995

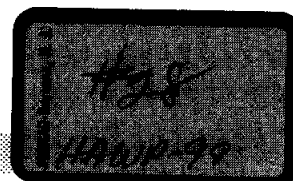
RELEVANT EXPERIENCE:

1993

Montgomery County Historical Society - with Jane Sween, designed and taught a three-session workshop on researching histories of houses, neighborhoods and communities in Montgomery County.

1991-present

Contract employee, City of Gaithersburg, MD. Works with Historic Preservation Advisory Committee and Board of Appeals. Recent projects include "History of Martha Meem's 200 Acres" (Chestnut/ Meem Historic District Survey) , History of Observatory Heights, ongoing sites survey of 60 properties and overall history of the Observatory Heights area of Gaithersburg.



1987-present

Montgomery Preservation Inc. (MPI): member, volunteer and officer 1992-1998. Chair of MPI Montgomery County Awards for Historic Preservation 1994 - 1997. Prepared public exhibits, slide presentations; Oversight Committee on Old House Parts, a non-profit architectural salvage depot for Montgomery County owners of old buildings.

1989

Historic Associates Inc. (HAI) - Photographed, surveyed, researched and recorded 163 commercial and residential sites in the Cherrydale/Maywood neighborhoods of Arlington, VA for City of Arlington Landmark Board as part of a comprehensive local preservation/ revitalization effort.

1988 - 1998

President/ Officer of Gaithersburg Heritage Alliance, Inc. A local historical society and museum. Projects include museum exhibits, annual Olde Towne Day house tours and horse and wagon rides, Elementary School tours.

1988

Peerless Rockville Historic Preservation, Inc. - with Eileen McGuckian and Everett Fly researched and wrote "Model Resource Preservation Plan for Historic Black Communities: Focus: Haiti-Martin's Lane, Rockville, Maryland".

1987-1988

Montgomery County Historic Preservation Commission - Public Education and Outreach contractor: researched and wrote Montgomery County Long and Short Term Plan for Historic Preservation, adopted 1988. Worked in HPC office, reviewed subdivision and development impact on historic sites, provided public information, staffed Commission meetings, researched sites, organized displays at Montgomery County Fair, Montgomery County Ethnic Heritage Festival.

1985-1987

City of Rockville, Md. - "Historic Resources Management Plan" for the City of Rockville. Coordinator with Dwayne Jones. Researched sites, wrote and edited Preservation Plan, produced slide-tape program on Rockville development "Founded on a Rock", developed computer database for site inventories. Prepared and wrote historic sites surveys with project team.

EDUCATION:

Post M.A. - The World of Donatello, Folger Institute of Renaissance and 18th Century Studies, Washington D.C. - H.W. Janson, 1977.

M.A. - The American University, Art History, Renaissance Studies, Graduate Assistantship 1975-76.

B.A. - The American University, Washington D.C. - Art History